

THE AMERICAN I M A G O

VOL. 10

SPRING

NO. 1

*A Psychoanalytic Journal
for the Arts and Sciences*

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The Language of Birds

by

Géza Róheim

A poor shepherd's lad spent the night under a tree and made a fire to keep warm. A little snake fell into the fire and he rescued it. The snake took him home to his father, the king of Snakes. Through his breath the serpent king gives him the power to understand the language the animals speak. He will die if he does not keep this secret. He marries his master's daughter. First he finds out about a treasure and then about the mare's pregnancy. Each time he hears something that other people don't hear, he laughs and this gives away the fact that he knows something that others don't know. His wife keeps asking him to reveal the secret. He tells her that if he does this he must die. But she insisted and he had his coffin made and was lying in it on the ground. A cock passed and started crowing. The cock said: "What a fool this man is! Look how many wives I have, and they all obey me! He has only one and he can't manage that one wife!"

He got up and started to whip his wife. Do you still want me to die? He asked her.

After that she never bothered him with her questions. (1)

At Lesbos the hero is a young man who is not all there. "Go and give alms to the sea," people tell him. Every day

1. János Berze Nagy, *Baranyai magyar néphagyományok*.
(Hungarian Folk Lore in Baranya) II, Pecs 1940. Page 267-270.

he buys bread and throws the morsels into the ocean for the fish to eat. One day while walking on the seashore he sees the fish and says: "Poor fish! I have no money, so I could not buy you any bread."

"I am your debtor," the fish says, "and I am going to give you something. Stick your finger into my mouth and you shall pull a jewell out that will enable you to understand what the animals are saying. But if you tell anybody, you must die." First he finds treasures through understanding what the raven said to its young. Then he finds out that the mare and his own wife are both pregnant. Finally the cock saves him from dying just as in the first story.

In a Bulgarian story the serpent is rescued from a fire by a shepherd. The snake coils itself around the shepherd's neck and has to be carried this way to its father, the snake-king. Having received the gift of understanding the language of animals, he hears the mare saying that it is pregnant. He is about to die when he hears what the cock thinks about a man who cannot keep one wife in order, while he can manage hundreds. (3)

The Ba Ronga version is slightly different. The Great Serpent makes a man rich but demands to have the first child his wife shall bear him. When the day arrives they prepare seven jugs of milk for the serpent. He has had his fill and dares not insist on eating the young man. Instead the Serpent tells him to stick his tongue out and he writes something on it. This enables the lad to understand what the animals are saying. The ending is the same with cock and hen. (4) Aarne discusses all the versions of the story

2. Georgeakis, G. et Pineay, *Le Folklore de Lesbos*. Paris, 1894, (*Les Littératures Populaire XXXI*), pp. 46-49.
3. Wratistlaw. A. H. *Sixty Folk-Tales from exclusively Slavonic Sources*. London. 1889. pp. 201-203.
4. JunodH, *Les Chants et les Contes des Ba-Ronga*. Lausanne, N. D. pp. 314-316.
5. Aarne A, *Der tiersprachenkundige Mann*, *Folklore Fellows Communications*. No. 15, 1914.

that are in print and many taken from manuscripts. (5)

In many variants the initial episode is a fight between the serpent and a bird. (Esth. 2) another animal and a dog (Esth. 3.) two serpents (5), lion and snake (59), two dragons (60) two snakes (61, 62). The hero learns either the language of the animals or the language of the birds.

There is a similar situation in folk-lore, that is in beliefs. Hungarians in Slavonia believe that if you see a frog and a snake fighting in spring you should take a stick and chase the snake. According to the Ruthenians if you see a snake the moment it has caught a frog, separate them with a stick. The Slovaks say that if one sees a snake with a frog in its mouth on St. George's day the thing to do is to hit them with a green bough and you shall then win all your law suits. (6)

In interpreting the customs quoted above I concluded that what was seen was not two animals fighting but the *primal scene*.

This is strikingly confirmed by one of the oldest versions of our folk-tale.

In the Tuti Nameh, a Hindu book of stories of which we have Persian variants dating from the early fourteenth century, the story begins with an Indian Emperor who saw a female snake cohabiting with a male of another species. He was very angry and he attacked the female snake and cut off a piece of its tail.

The snake's husband notices the wound of his consort and asks what happened. The female says, "the emperor caught sight of me when he went hunting. He tried to rape me and when I resisted he dealt me this wound."

The male serpent hides in the emperor's room, intending to bite him and poison him. But he overheard the emperor talking to the empress and telling her the story about the snake's infidelity. Because women are like the female snake he won't have anything more to do with them, he says —

6. Róheim, G., *Magyar Nèphit és Népszokások* (Hungarian Folk Belief and Customs). 1925, pp. 279, 280 (with references).

and rejects his wife's advances. The snake therefore begs the emperors forgiveness and is ready to fulfill any wish the emperor may have. He can learn the language of animals but only on condition that he never reveals the secret to a woman.

The emperor hears the talk of two doves making love and he laughs. His wife threatens suicide if he does not tell her why he laughed.

He says if I tell you the real reason I must die.

They came to a well and he heard the ewe talking to the ram. "If you don't go down into the well to fetch that grass for me I shall jump into the well." The ram looked and saw that he could not get the grass, without risking his life. So he said, "I am not a fool like the emperor who wants to die for a woman. If you want to kill yourself, do so, I don't care."

The emperor heard it and kept the secret for himself. (7)

Notwithstanding the fact that this very significant version of the plot occurs in several stories in India, I would assume Greek origin for the whole "Märchen". Aarne, following Benfey, derives the tale from India. (8) He quotes Klinger in the Polish periodical "Lud" (XV, 1909) who favours derivation of the folktale from Greece. (9)

The Scholia to Odyssey 11, 290 and Hesiod mention Melampus. The full story is given in Apolodoros. He buries or cremates the dead mother of young snakes. They clean his ears with their tongue; thereby giving him the power to understand the language of birds and of animals in general. He becomes a seer through meeting Appolon. But Herodotos (II, 49) connects Melampus with Dionysos and his phallic cult. In his narrative we also find traces of an anti-female attitude. When in captivity he has a man and

7. Rosen, G., *Tuti Nameh, Das Papageienbuch*. Leipzig, 1858, II, pp. 236-241.

8. Aarne, *op. cit.*, p. 55.

9. Aarne, *op. cit.*, p. 64. (I know this paper only insofar as it is abstracted by Aarne.)

a woman attendant. He is friendly but she is hostile. Through his knowledge of the animal language he manages things so that she is just on the spot when a building collapses. He cures Iphiklos. Once upon a time his father, while gelding goats threatens the child with a knife and then he thrusts the knife into an oak. Vultures reveal the cure. The child has to drink the rust of the knife mixed in wine for ten days.

According to one version of his story he was nourished by snakes in his childhood. According to another by a she-goat. His name *Blackfoot* (an obvious parallel to Oedipus—Swellfoot), is explained by a version of his childhood in which he is left at a shady place by his mother where the sun could only color his feet — hence Blackfoot. (10)

The outstanding traits of this story are a) snakes and bird language, b) if he is the child of the she-goat; Iphiklos must be himself the castrated kid. This would also fit in with his association with Dionysos.

c) The parallelism with Oedipus; d) The Phallic element and the misogynous trait.

Teiresias is another seer whose insight is derived from the primal scene as in the Tuti Nameh.

"He is closely connected with the art of seeing into the future which in Rome and Greece was equivalent to watching the birds. When Pentheus is raging against Teiresias the ancient priest who will support the new Bacchic religion he says:

"Tis thou has planned
This work Teiresias, tis thou must set
Another altar and another yet
Amongst us *watch the new birds*"

The most outstanding things about Teiresias are that he is the prototype of the seer and his ability to change his sex. These two attributes are both derived from one episode. At a crossroad he sees two copulating snakes and after having killed the female snake he is transformed into a woman.

10. For references cf. Roschers Lexikon. Melampus.

After a time he again sees two copulating snakes at the same place. Now he kills the male snake and he is a man again."

We assume that the snakes are the parents of Teiresias. When he kills the female snake he has the negative Oedipus complex and when he kills the male, the positive. The parental significance of the snakes is made quite clear by the rivalry of Zeus and Hera. Teiresias is the only person who has experience in both roles. As chosen umpire, he decides in favor of Zeus. Hera punished him with the loss of his eyesight, Zeus rewards him with supernatural insight. However it seems that each side (Zeus and Hera) accuses the other of being more libidinous and this is what offends Hera. According to Fulgentius he attributes three ounces of libido to the male, nine to the female, according to Eusthathius the female has nine out of eleven parts (12) Hesiodos sais.

"Of ten parts a man enjoys one only; but a woman's sense enjoys all ten in full"

For this Hera was angry and blinded him but Zeus gave him the seers power" (13)

It is interesting that the seer here reveals the females libido in the gestation period and that Hera regards this as an attack on her sex. In our folktale one of the secrets the hero hears in the language of animals is pregnancy. In the versions of the Teiresias story quoted below, Teiresias is accused of being a voyeur i.e. of seeing what happens in the womb, or of seeing as a body-destruction phantasy, i.e. oral aggression. (14) Moreover the anti-female slant of the story is also implied in the Teiresias myth, the seer is for Zeus, the father.

The loss of eyesight is the punishment for *seeing*, i.e.,

11. Róheim, G., Teiresias and other seers, *Psychoanalytic Review*, XXXIII, 1946, p. 315. *Roschers Lexikon, Teiresias*.
12. Buslep's article on Teiresias *Roschers Lexikon der griechischen und römischen Mythologie* V, p. 182 (Dr. Wilbur kindly called my attention to the passage in Hesiod I had overlooked, Buslep quotes also other mythographers.)
13. Hesiod *The Melampodia* 3, Hugh G. Evelyn White, Cambridge, Mass. - 1943, 269.

for, like Oedipus, seeing the vulva of the woman, i.e., his mother's. In another version of the myth (Apollodorus 3, 6, 7, Kallimachos, 7, 78) he unwittingly sees Athena in her bath whereupon the goddess touches his eyes with her fingers and deprives him of his eyesight. His mother Chariklo who was one of the following of Athena and beloved by the goddess asked Athena to restore her son's eyesight. But the goddess cannot do this. Instead she gives him the power to understand the language of birds, clairvoyance and a staff to support him in his blindness. (15) I have assumed that Chariklo is really another form of Athena since Athena herself is closely related to the Gorgo, the gazing and petrifying eye. (16) Jamos, the seer, is nourished with honey by a snake couple and obtains from his father Apollon the ability to understand the language of birds. (17) The mantic nature of the serpent, the serpent licking the ear of the future seer and the combination serpent and bird are all very familiar in Greece. (18) Even today to the Greeks all enigmatic but wise sayings not to be understood but by men of special gifts and wisdom are called "bird language" (19)

Although we have reason to assume that some parts of the story originated in Greece it is obvious that in the course of its wanderings this nucleus gathered new traits.

Cock and hen are typical European symbols of man and woman. The crowing of the hen is regarded as ominous, it is a woman trying to play the role of a man, i.e., a witch. In Wales "A whistling woman and a crowing hen are only fit for the devil and his den." (20) In Bretagne and other parts of France if a hen "chante le coq" this means that the farmer will die soon, the only way to prevent this is to kill the hen (21) In the Palatinate, a woman should never whistle, a hen never crow because if they do so the Virgin Mary feels ashamed in the presence of her son. (22) The crowing hen symbolizes a *henpecked husband* — or in

14. Cf. G. Róheim, *The Evil Eye*, American Imago IX, 351

15. Roschers *Lexikon*, Teiresias.

16. Róheim, *op cit.*, *Psychoanalytic Review*, XXXIII, 1946, p. 316

Latin "superiorem marito esse uxorem." (23) In Normandie "une poule qui chante le coq et une fille qui siffle portent malheurs dans la maison" and in England "a whistling maid and a crowing hen are hateful alike to God and men." (24) These beliefs can take the form of a short narrative.

There was once a poor husband that was ruled by his wife. One day she tormented him so much that he made up his mind to leave her and go into another country. So he set out on his way and he had not gone far before he came to a farmhouse which stood by the roadside. Just as he was passing the door a cock crowed and he thought it said: Women are masters here! He went a few miles farther and came to another farmhouse. As he went by a cock crowed again and he thought it said "Aye and everywhere." Then said the husband, "I will go back and live with my wife for now I am certain that women are the rulers of men." (25)

Although the story has the opposite content it shows how a folk-tale can originate in episodes and evolve by a process of joining these parts together on basis of the same latent content.

The two main parts of our folktale are the snake episode and the cock episode. In the first a man sees the primal scene, in the second he hears the primal scene. The first

17. Roschers Lexikon, Jamos.
18. Küster, E., *Die Schlange in der griechischen Kunst und Religion*. Giessen 1913, (p. 127 bird). Marx, A., *Griechische Märchen von dankbaren Tieren*. Stuttgart, 1889.
19. R. M. Dawkins, *The Meaning of Folktales Folk-Lore Vol. XII*, 1951, 425.
20. Trevelyan, M., *Folk-Lore and Folk-Stories of Wales*. 1909, p. 327
21. Sebillot, P., *Traditions et Superstitions de la Haute Bretagne*. 1882, II, pp. 135, 136.
22. Schönwerth, F., *Aus der Oberpfalz*. 1857, I, pp. 345, 346.
23. Henderson, W., *Notes on the Folklore of the Northern Counties*. 1879, p. 43. L. Hopf, *Thierorakel und Orakelthiere*. 1888, pp. 164, 165.
24. *Memoirs of the American Folk-Lore Society*, IV, p. 138, cf. an Arab proverb. Gubernatis, A. de, *Die Tiere in der indogermanischen Mythologie*. 1874, p. 556.

episode would mean less and the second more repression. But this is counterbalanced, for sex-life is not openly mentioned in the first scene (except in the myth of Teiresias and the Indian versions), but it is in the second. In many versions we do not even have the "struggle" motive.

In an Esthonian version a man helps a snake get off a tree in pouring rain or rescues a snake that is in a tree from fire or just in general helps it get off a tree. (26) In these stories (Estonian and Finnish) we also have two other traits or motives, the man is asleep under the tree or going to sleep and the pressure of a snake on his chest. We suspect a dream in the first case, a nightmare in the second. He hears one tree inviting the other to attend its burial and later he lies in the coffin ready to die. Assuming that this is a dream-derived episode we know also what type of dream we have to do with. Fire and water surely indicate the urethral awakening dream and the rescued snake is the dreamer's penis at the moment of awakening. It is also possible that folk-tales may have been formative elements in dreams (27) and then the dreams influenced the further evolution of the folk-tale.

What is revealed in the language of birds? It is either sex-life as in the case of cock and hen or pregnancy, or treasure in the earth (i.e., the embryo in the womb). In other words we have more or less veiled versions of the Riddle of the Sphinx.

The language of the birds occurs in two other folk-tales. In Grimm 17, eating the flesh of a white snake endows a person with the faculty of understanding the language of birds. This helps the butler to fulfill the conditions set by

25. Addy, S.O., *Household Tales with other Traditional Remains*. London, 1895, p. 27.

26. Aarne, *op. cit.*, pp. 4-19.

27. Freud, S., *Märchenstoffe in Träumen*, *Gesammelte Schriften*. 1924, III, p. 260. *Internationale Zeitschrift für Psychoanalyse*, 1913, I, Collected papers, Vol. IV, Lorand, S. *Fairy Tales and Neurosis* *Psychoanalytic Quarterly*. IV. 1935.

the king's daughter and to become her husband (Grimm No. 17). (28) Another group of stories have a common plot. The young man understands the language of birds and what they say is that he will be king and his father his humble servant. At his father's insistence he reveals this prophecy whereupon the father kills him, but he is miraculously revived and the prophecy is fulfilled. (29)

What the birds reveal is no secret anymore, it is the Oedipus complex. We would therefore assume that the language of birds is the language of the Id or more specifically of the Phallos.

No more typical phallic symbols could be chosen by our folktale than that of *the snake and the bird*. (30)

Zeus planned to marry Hera and wishing to be invisible and not to be seen by her he changed his shape into that of a cuckoo and perched on a mountain which to begin with was called Thronax but now is called Cuckoo. And on that day Zeus made a mighty storm. Now Hera was walking alone and she came to the mountain and sat down on it where now there is the sanctuary of Hera Teleia. And the cuckoo was frozen and shivering from the storm so it flew down and settled on her knees. And Hera, seeing it, had pity and covered it with her cloak. And Zeus straightaway changed his shape and caught hold of Hera. The image of Hera in the temple at Argos is seated on the throne and she holds in her hand a sceptre and on the sceptre is a cuckoo.

And J. E. Harrison observes Hera Teleia means Hera Married. (31)

What then is the *latent content* of our folk-tale?

A boy sees the primal scene. The sadistic interpretation of the scene mobilizes castration anxiety, woman is the arch-

28. Cf. Bolte-Polivka, *Anmerkungen zu den Kinder- und Hausmärchen*. I, 1913, pp. 131-133.

29. Köhler, R., *Kleinere Schriften zur Märchenforschung*. 1898, pp. 145-148.

30. On these two as typical receptacles of the soul cf. Wundt, W., *Völkerpsychologie*. Vol. II, Part II, 1906, pp. 60, 71.

enemy, curiosity the great sin and he is a henpecked husband. When he identifies with the cock, the strong father in the primal scene he becomes master of the situation. Now he truly understands the language of birds. In German *vögeln* (to bird) means *coire* and *to gather seeds with a bird's beak* means the same in Vogul. (32)

Birds are among the most prominent *Omina*. *Ornis* and *oionos* mean bird and *omina* in general but the birds that are of importance are the birds of prey, those who fly skyward and can therefore be regarded as the messengers of the gods and mortals. (33) The fact that the emphasis is on *flying* excludes the now fashionable breast-interpretation and recalls the flying or erection dream.

The white headed carrion-hawk (*Haliaster intermedius*) is the chief omen bird and next to the Supreme Being the chief god of the Kenyah tribe. Should a hawk fly in the same direction as they are going this is a good omen but if one should fly towards them as they travel, that is a terribly bad thing. If a hawk should scream just when they are about to attack that means that some of the older men will die in battle. Women are not allowed to be present during the formal consultation of the hawks but they keep a wooden image of a hawk in a cupboard to protect them from illness. (34) The Dyak believe that the omen birds are their ancestors who watch and protect them. Once when an unusually brave man who was fighting the enemy cut off his loin cloth he died and became a *bird without a tail*. (35)

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31. Harrison, J. E., *Themis*. Cambridge, 1927, pp. 180, 181.
 32. Munkácsi, B., *Vogul Népköltési Gyűjtemény*. (Thesaurus of Vogul Folklore). Budapest, 1896, IV, p. 295.
 33. Hopf, L., *Thierorakel und Orakelthiere*. Stuttgart, 1888, p. 11.
 34. Hose, C. and McDougall, W., *The Fagan Tribes of Borneo*. London, 1912, II, pp. 51-58.
 35. Ling Roth, H., *The Natives of Sarawak and British North Borneo*. London, 1896, I, p. 224.

We should say therefore that people who believe in the language of birds, that is, practice bird omina, are affirming the *prototypical nature of genitality*. As sex goes, so goes the future.

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Civil Liability

A Neglected Area of Psychoanalytical Research

by

Albert A. Ehrenzweig

"Those writings which endeavor to apply to the social sciences the viewpoints of psychoanalysis inevitably offer the reader too little of both. Such writings are, therefore, but suggestions and proposals inviting consideration by the expert." With this apology Freud begins one of the chapters of his "Totem and Taboo". (1) How much more is this

apology due from a writer who attempts to apply psychoanalysis to legal history without claiming expertness in either! To induce those better equipped to investigate a novel subject is the primary purpose of this paper.

1. *The Fault Rule and Why it Does Not Work*

Since Freud's "Totem and Taboo" there have been many attempts to apply to *criminal law* psychoanalytical findings as to the rationale or "irrationality" of societal and individual behavior. (2) We know now that neither deterrence nor reform, the alleged educational purposes of punishment, are effectively advanced by our present criminal law and its administration; and we have learned to apply this knowledge in our maturing relations to our children. But it will be a long time before society will forego the infantile satisfaction of inflicting retributive pain on "its" (3) criminals. The only area of criminal law in which society is beginning seriously to apply psychoanalytical understanding of anti-social

1. Freud, Totem und Tabu 100 (1920) (my translation).

conduct and of its own reaction to such conduct is that area in which a similar impact of affection and superiority most closely duplicates our progress at home, namely in the treatment of juvenile and, to a lesser degree, insane offenders.

The law of civil liability, however, while probably older than the law of crimes, (4) will, we may hope, more easily free itself of the relics of a primitive era. Though lacking that emotional appeal which continues to focus our attention on crime and criminals, this field is infinitely closer to our daily lives than the hangman's or the jailer's threat. In many thousands of cases every day, without the stigma of social condemnation inherent in criminal sanction, it reacts to encroachments upon the spheres of our physical and pro-

2. See particularly Reiwald, *Society and its Criminals* (International Universities Press, 1950) and the bibliography id., at 38 et seq.; also Fromm, *Zur Psychologie des Verbrechers und der Strafenden Gesellschaft*, 17 *Imago* 226, 244 (1931); Staub, *Psychologie und Strafrecht*, id. at 194; Wittels, *Freud and His Time* 359 (1931); West, *Conscience and Society: A Study of the Psychological Prerequisites of Law and Order* (1945); A *Psychological Theory of Law, Interpretations of Modern Legal Philosophies* 767 (1947); Flugel, *Man, Morals and Society* (1947); de Grazia, *Crime without Punishment: A Psychiatric Conundrum*, 52 *Col.L.Rev.* 746 (1952); Guttmacher and Weihofen, *Psychiatry and the Law* (1952) 453 et seq.; and this writer's *Psychoanalyse im Recht*, 74 *Juristische Blätter* 262 (1952). In other fields of law psychoanalytical writings have been few, and the few have met with emotional opposition. See e.g. Mechem, *The Jurisprudence of Despair*, 21 *Ia.L.Rev.* 669 (1936) discussing and misinterpreting Robinson's pioneering *Law and the Lawyers* (1935). For Judge Frank's work see the Preface to the Sixth Printing of his *Law and the Modern Mind* (1948). Bienenfeld's courageous *Rediscovery of Justice* (1949) has found little attention in this country. Cf. this writer's Book Review, 64 *Harv. L.Rev.* 355, 358 (1950).
3. This reflexive is used in the title of Reiwald's book (supra note 2), apparently with the happy purpose to stress society's affective relation to crime and criminals. See also Reik, *Geständniszwang und Strafbefürfnis* (1925); de Grazia, supra note 2.
4. "The principle of 'making good' has its roots in the deepest layers of our moral life." Flugel, op. cit. supra note 2, at 147 (1947). See also Daube, *Studies in Biblical Law* 102 (1947).

prietary safety. The running-down accident, the defective merchandise, the slippery sidewalk—they all make us clamor for protection and remedy other than through punishment, and it is here that we most often seek and meet the law. It is here that society has progressed in psychological maturity far beyond the undirected and unlimited revenge, the “eye for eye and tooth for tooth” of her early days. Through a long and painful process we have come to give ever increasing consideration to the comparative equities of the parties. But in this process we have, I believe, reached a stage in which some understanding of its psychological significance is indispensable to avoid delay of further progress.

In the course of the nineteenth century, for reasons further to be explored, fault came to be considered as the true basis of civil liability. Indeed, “no liability without fault” became the dogma of that period and continues to govern our legal thinking, or at least our legal language, though new social and economic conditions seem to require a new approach. The automobile driver, the manufacturer, the house owner will, in general, not be compelled to indemnify pedestrians, consumers or visitors injured by his operations, unless he can be proved “negligent” in relation to the harm. And yet, the tremendous increase of “hazardous activities” requiring adjustment of both avoidable and inevitable loss rather than a “wrongdoer’s” admonition, and the spread of liability insurance serving primarily the former, have created a discrepancy between reality and law which seriously endangers our administration of justice.

Two automobile drivers approaching an intersection at the same time and suddenly faced with each other, will ordinarily be unable to avoid a collision. Yet, in order to allocate the unavoidable loss so caused to a bystander, we must convict at least one of the drivers of negligence, however careful both may have been. A manufacturer will not be able to reduce, even by the application of the highest care, the amount of damage caused, over certain periods, by his merchandise. Yet, in order to shift the losses so caused to

him who is best able to distribute them, we must find some negligence somewhere in the chain of production and distribution. We resort to fictions and presumptions but always insist on finding fault where there is none, i. e. where there is no fault in any moral sense, the only sense in which, etymologically and historically, the word fault can be used. And even when this pseudo-fault is established, the tortuous process of fictions and presumptions continues in the determination of the scope of the resulting liability. The "reasonable man's" foresight comes into play. In a small book which I have called "Negligence without Fault" I have recently tried to describe this process more fully. (5) Here are a few examples from my study:

A railroad engineer had run his train into a landslide which a few minutes earlier (after another train had passed undamaged) had blocked the tracks. Oil cargo was ignited by the impact and carried down an adjoining, suddenly swollen, creek. Several hundred feet from the place of the accident the still burning oil set fire to a house. Since under our law any liability for the resulting damage had to be based on fault, the jury was asked to decide whether the engineer, when causing the collision, "could have anticipated the burning of the plaintiff's property." (6) In that case the question was answered in the negative. But only three years later another court on almost identical facts reached exactly the opposite conclusion (7) — on the basis of equally unrealistic considerations.

Standing on a railroad platform, Mrs. Palsgraf was injured by scales broken in a concussion caused by fireworks exploding at a considerable distance in a package which had been "negligently" dislodged from a passenger's arm by a railroad employee assisting that passenger when boarding the train. How close was Judge Cardozo to reality when, in

5. *Negligence without Fault* (University of California Press, 1951)

6. *Hoag v. Lake Shore and M.S.R.R.*, 85 Pa. St. R. 293, 27 Am. Rep. 633 (1877).

7. *Kuhn v. Jewett*, 32 N.J.Eq. (5 Stewart) 647 (1880).

a famous opinion, he denied the railroad's liability on the ground that the railroad employee could not reasonably have foreseen damage to the plaintiff? (8) And again, how close was that court to reality, which held two motorists liable for the death of a pedestrian who was killed by a stone falling from a building which had been loosened by the impact of one of the cars being propelled into the building in consequence of a collision with the other car? The court reasoned that the defendants should have foreseen that the vehicle would have to be moved from the structure, that parts of the structure would fall into the highway and that a passing pedestrian might be injured. (9) But another motorist who was injured by a defective pillar, against which his car had been thrown in a collision, was not permitted to recover for his injuries since the city owning that pillar could not have foreseen "that a car might have been struck by another car in such a way as to cause it to come in contact with the pillar and cause the pillar to fall." (10)

These examples could be multiplied at will and supplemented by others bearing on other phases of our problem, equally significant and equally ignored, such as the increasing importance of insurance as a basis of liability. Only gradually, with great hesitation and against much resistance, will modern courts adopt a more intelligent and intelligible approach. Recently, Justice Traynor of the California Supreme Court justified an award of damages to a waitress for injuries caused by a breaking Coca-Cola bottle, on the ground that "the risk of injury can be insured against by the manufacturer and distributed among the public as a cost of doing business." (11) But we will have to admit to ourselves that the road will be long and arduous if no less a scholar than Dean Pound, who has been called "the greatest figure in the field of law and jurisprudence in the English-speaking

8. *Palsgraf v. Long Island Railroad*, 248 N.Y. 339, 162 N.E. 99 (1923).

9. *In re Guardian Casualty Co.*, 253 App. Div. 360, 2 N.Y.S.2d 232 (1938).

10. *Leachman v. Louisville*, 270 Ky. 260, 263, 109 S.W.2d 614, 615 (1937).

world," (12) could object to Justice Traynor's reasoning as "specious" and a "variant of [a] Marxian axiom." (13)

Discounting those rationalizations of this attitude used to support political or economic platforms, we usually hear the defenders reject reform as an abandonment of a moral achievement of our age and a return to the primitive urges of a dark past.

Elsewhere, I have attempted to prove, in terms of court law and court language that this conception is incorrect, both historically and functionally; and that what I have called enterprise liability for "negligence without fault," using a paradoxical term to describe a paradoxical scheme, represents an attempt at saving traditional concepts of a law of "torts" by using the fault language of a primitive past in a fast growing new system of loss distribution. (14) I have further attempted to show that terminology tends to mislead and has misled both judges and juries. (15) But "tradition is as neurotic as any patient." (16) An analysis of this neurosis is the subject of this paper.

2. *The Fault Rule and How It Grew*

a. *Intent* - When "eye for eye and tooth for tooth" limited revenge to retaliation by self-help or feud and became the first law of torts and damages, (17) legal sanction responded to the scope of the injury rather than to the injurer's conduct. And this remained true when private retaliation yielded to state-imposed tariffs of "compensation" partly payable to the injured. (18) This attitude, at first glance, seems, therefore, to support the prevailing opinion that primitive law imposed liability for causation rather than

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11. Justice Traynor concurring in *Escola v. Coca-Cola Bottling Co.*, 24 Cal.2d 453, 462, 150 P.2d 436, 441 (1944).
 12. Kocourek, *Interpretations of Modern Legal Philosophies* 419, 429 (1947).
 13. Pound, *Law in the Service State*, 36 A.B.A.J. 977, 981, 1050 (1950).
 14. My op. cit. *supra* note 5.
 15. *Id.* at 35 et seq.
 16. Ruth Benedict, *Patterns of Culture* 282 (Mentor ed. 1934).

fault and that our present concern with the wrongdoer's motives must be due to the "more advanced morality" of modern man. (19)

Several observations, however, throw some doubt on this pious belief at the very outset. The close relationship between words such as "guilt", "gold" and "geld" or, even more conspicuously, the use of the German word "Schuld" for both guilt and debt, would seem to indicate an early connection between legal sanction and moral blame. (20) An early punishment for mere attempt presupposes a similar connection. These facts and their seeming contrast to the failure of primitive law to require a finding as to the wrongdoer's intention, invite speculation as to whether this failure is not based on the *inability or unwillingness of these laws to conceive, or admit, the unintentional infliction of harm*, rather than on lack of concern with this intention.

This assumption is confirmed by a study, in the light

17. Mishpatim (The Judgments), Exodus XXI 23 ff.: "Thou shalt give life for life, eye for eye, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe."
18. On the king's right to the "wite" and the injured's right to the "bot", see e.g. 2 Pollock-Maitland, *The History of English Law* 449 (1895).
19. As late as 1908 Professor Ames of Harvard Law School praised the "ethical standard of reasonable conduct [for having] replaced the immoral standard of acting at one's peril." Ames, *Law and Morals*, 22 Harv. L. Rev. 97, 99 (1908).
20. Wertham, *The Psychiatry of Criminal Guilt*, 2 Social Meaning of Legal Concepts 153 (1950).
21. See Freud, *Totem und Tabu* 103 (1920). On the child's relations to causality see in general Piaget, *La Causalité Physique chez l'Enfant* (1927). Without psychoanalysis Holmes knew that "vengeance imports a feeling of blame," that "our system of private liability . . . started from the notion of actual intent . . ."; but that "an untrained intelligence only imperfectly performs the analysis by which jurists carry responsibility back to the beginning of a chain of causation. . ." resulting in a "hatred for anything giving us pain . . . which leads even civilized man to kick a door when it pinches his finger . . ." Holmes, *The Common Law* 3, 4, 11 (1881).

of psychoanalytical findings, of the primitive animistic mind which is not even willing to accept Nature's harmful impact as a blameless occurrence. (21) When lightning strikes the house an irate god has willed the injury, as the father has willed any injury suffered by his child in the nursery. That primitive law which punishes not only the sinning animal (22) but inanimate things as well, (23) and later at least demands the guilty instrument's surrender, (24) is close to the child in the nursery who will hit the table with which he has collided. No wonder then that later, when a fellow human being rather than God or the thing came to be blamed, intentional misdeed continued to be regarded as the source of even accidental harm: If even the lightning is traced to a conscious will to harm, no wonder that the fire starting on my neighbor's land is readily charged to him. (25) He or his clan must pay for presumed malice whether or not I prove his guilt. And perhaps it is only another expression of the same psychological approach if certain African tribes, even where they purport to concede lack of intention, put the killer to death so as to expel the evil spirit. (26) Further research may show that a similar rationale underlies the early limitation of sanction and recovery to injuries directly inflicted upon person or property. For direct contact heavily

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22. "If an ox gore a man or a woman, that they die: then the ox shall be surely stoned. . . ." Exodus XXI 28.
 23. If an inanimate thing caused death, it would be cast "beyond the borders." Holmes, *The Common Law* 7 (1881)
 24. "Justice que si mon cheyn tue vostre berbitz, et ieo freschement apres le fait vous tend' le cheyn vous estes sans rec. vs. moye." (If my dog kills your sheep, and I, freshly after the fact, tender you the dog, you are without recovery against me.) Fitzherbert, *La Graunde Abridgement* (1515) Barre, par. 290 Fol. 148 (Totell, 1565).
 25. The fire "is his fire. . . ; he made it, and must see it does no harm, and answer the damage if it does." *Tubervil v. Stamp*, 1 Salk. 13, 91 Eng. Rep. 13 (1698). According to Rothar's Edict 4 [cited Calisse, *A History of Italian Law, Continental Legal History Series* 227 (1928)] a presumption of fault existed if the fire was kindled within 9 feet of the house less than 24 hours before the catastrophe.

burdened with early taboos (27) may have seemed least likely to have occurred by mere accident. In this sense revenge, feud and legal sanction, imposed without proof, or even the assertion, of wrongful intent, were thus given and taken in stride as reactions to an at least subconscious guilt. (28)

This psychological interpretation of early liabilities for mere causation, which has been proposed by some of the foremost authorities in the field of legal history, (29) is supported by later developments. With the gradual increase of social and economic intercourse those hazards multiplied which, from individual and social experience, could be *shown* to be due to something less than malice. Yet the law, though grudgingly admitting this fact, has never quite abandoned its primitive assumption and presumption of fault. True, the law came to believe the killer who swore that the deadly blow had been unintentional. But it insisted at least on the payment of a fine. (30) And in the cases of "misadventure" though the king waived his wite, (31) and the killer had a "pardon of course", (32) the bot remained payable to the

26. 2 Post, *Afrikanische Jurisprudenz* 29 (1887), citing du Chaillu, *A Journey to Ashango-Land* 426 (1846).
27. See Freud, *Totem und Tabu* 37 (1920). The German word "Angriff" for attack may be traceable to this source. Cf. Reiwald, *Vom Geist der Massen* 265 (1948).
28. ". . . every human being owns a mechanism in the subconscious working of his mind, which permits him to explain the reactions of others, or in other words, to remove the distortions produced by those others in the expression of his feelings." Freud, *Totem und Tabu* 213 (1920) (own transl.)
29. See Holmes, *op. cit.* supra note 21. For additional references see Bienenfeld, *Die Haftungen ohne Verschulden* 15 (1933).
30. "If a man has struck a man in a quarrel, and has caused him a wound, that man shall swear 'I do not strike him knowing' and shall answer for the doctor." Code of Hammurabi, § 206 (2285-2242 B.C.) (transl. Johns, 1903).
31. "It is moreover decreed, if a man have a spear over his shoulder, and any man stake himself upon it, that he pay the wer without the wite." *Laws of Alfred*, c. 36, 1 Thorpe, *Ancient Laws and Institutions of England* 85 (1840).
32. Bacon, *Maxims, Regula VII, Works* (ed. Spedding) VII 347, 348.

injured. In Chinese law accidental parricide is, or was until recently, a capital crime; (33) and even the Church with her early stress on the actor's motive, while later permitting complete exculpation by the plea of accident, (34) long continued to impose punishment for *homicidium casuale*. (35) So strong remained the primitive urge to find a wish and will behind all causation, that, even when fault had come to be recognized expressly as the basis of liability, the actor was presumed guilty except if he could "be judged utterly without his fault; as if a man by force takes (his) hand and strike you." (36) And until our day the accident, the vis major, has been referred to as—an Act of God. (37)

Progressing "exculpation", denial of culpa in exceptional circumstances, has through the centuries been the technique of the law in acquitting the innocent. In the light of this terminology which clearly presupposes culpa as the original basis of the sanction, it is highly significant for the emotional bias of legal science, that liability for faultless causation is still prevailingly considered the law of primitive society.

33. Cherry, *Growth of Criminal Law in Ancient Communities*, in Kocourek and Wigmore, *Primitive and Ancient Legal Institutions* 144 (1935). The special treatment of parricide would seem to support the theory of an assumption or presumption of at least subconscious intent. "Oedipus' guilt is not affected by the fact that it was incurred without, or even against, his knowledge and desire." (own transl.). Freud, *Totem und Tabu* 92, n.l. (1920). In general see Flugel, *Man, Morals and Society* 146 (1947).
34. Kuttner, *Kasuistische Schuldlehre* 64, *Studi e Testi* 235 (Città del Vaticano 1935).
35. The Council of Elvira (appr. 303) fixed the period of penitence at seven years for intentional, and five years for accidental, homicide. C.43, D.43 discussed with many other examples in Kuttner, *op. cit. supra* note 34, at 187 (Città del Vaticano, 1935).
36. *Weaver v. Ward*, Hobart 134, 80 Eng. Rep. 289 (1618).
37. ". . . the fall [of the tree] was not his act, but the act of the wind." Year Book 6 Ed. IV Mich. pl. 18. The phrase "Act of God" apparently was used for the first time by Coke in *Shelley's Case* 76 Rep. 206, 219 (1581). For other early uses, see *Hays v. Kennedy*, 41 Pa. 378, 80 Am. Dec. 626 (1861).

b. *Negligence, subjective and objective* - When, with growing psychological understanding it was recognized that another's malice could not explain all causation of harm, negligence came to cover a large part of the territory so vacated. If I am unable to blame my neighbor for intentional aggression, for this much I will blame him at least: he *should* have known what he was doing to me. Or, in psychological terms, he must have acted at least with *subconscious intent*.

But, it has been said, negligence is not, and perhaps never was, limited to subjectively blameworthy conduct. (38) Rather, so goes the argument, we hold liable for negligence anybody failing to comply with certain objective standards of conduct. But why is it that we base liability on such behavior? And, once we have decided to do so, why is it that we call him whom we hold liable although, individually, he could not have acted differently, a tort-feasor and a wrongdoer? Why single him out from all those whose harmdoing was concededly accidental? The only answer to these questions, I submit, is that even today we refuse to believe in the harmdoer's innocence, and that negligence, however objectively conceived, implies blame for subconscious fault.

Nor is the conclusion justified that the new negligence has been fault-free from its inception because its recognition as an independent basis of liability (39) coincided with, and responded to, the demands of the industrial revolution. On the contrary, the courts of that period, while probably also prompted by deeper psychological motivations (*infra*), resorted to fault rather than nonfault liability in order to encourage enterprise by offering it "the opportunity of con-

38. See e.g. 2 Brunner, *Deutsche Rechtsgeschichte* 548 (1892).

39. Not much earlier than the nineteenth century, when the rigid system of writs gave way to a more flexible procedure, do we find unintentional fault as a basis of liability. And not until 1834 did an English judge require affirmative proof of "negligence" as a condition for the defendant's liability for unintentional causation. *Vaughan v. Menlove*, [1837] 3 Bing. N.C. 468.

ducting itself with reasonable respect for the safety of others as a means of avoiding responsibility." (40) The new negligence liability, however objectively phrased, thus retained the connotation of blame which we have found to underlie even the fault-causation identification of earlier times. This is no less obvious from the English usage referring to this liability as one for "tort" than from corresponding foreign terms of "délit" and "unerlaubte Handlung". We are entitled to treat liability for negligence, like that for intent, as a relic of, rather than a "moral advance" over, the early fault approach to civil liability.

Such a "moral advance" in the sense of a further subjectivation of our civil liability tests would, under the impact of further psychological refinement, perhaps have in fact occurred, had it not been for the growing need for a broadening rather than narrowing liability. It is this need then which has terminated rather than advanced that progressive subjectivation of fault which we have been able to observe from early times. But why it is that this need was met by freezing the old fault rule instead of developing a new fault-free device, remains to be seen.

c. "*Negligence without Fault*" - When the first railroad was sued for damages in Bavaria, the court decided for the plaintiff because "The operation of a railroad necessarily presupposes a negligent act." (41) And when the first "wealthy hoodlum" set his automobile on an American road, the law all but came to hold him liable for his "devil wagon" as for a ferocious animal. (42) The underlying idea that to start a hazardous activity, though being aware that it would inevitably cause damage, is itself negligence, still appears occasionally in decisions relating to activities which are not yet governed by legislative or judicial legislation protecting the victim in other ways. (43)

40. Malone, *Damage Suits and the Contagious Principle of Workmen's Compensation*, 12 *La.L.Rev.* 231, 232 (1952).

But with the growth of mechanical enterprise and the consequent tremendous increase of hazards in our daily lives, this legal technique soon proved inadequate notwithstanding the "objectivity" of the fault concept. We should have expected, therefore, to find a growing recognition that new principles of loss distribution were needed which would look to the consequences rather than to the causes of the loss. Instead, we note a perfection of the very dogma of "no liability without fault" which the new industrial era could have been expected to discard.

Even today our "yearning forward toward reform", to use Professor Malone's apt phrase, will be counteracted by our "yearning backward toward morality", to "homespun moral impulses". (44) To Dean Pound attacks against the fault formula have appeared to confuse "the whole relation of law and morals" and to be contrary to "the inventive initiative and adventurous enterprise that have been characteristic of Americans from the beginning". (45) In order to facilitate the isolation of the true issue it will be shown that Dean Pound's reasoning finds numerous counterparts in the literature of other countries.

In Germany, at the beginning of the industrial era, a proposal for a liability based on a mere weighing of the respective wealth of the parties was rejected by the framers of the new Code as contrary to our "progress of culture" and "purified feeling of justice". (46) To one writer the fault principle had "become part of the flesh and blood of the 19th century," (47) while another went so far as to consider it as "peculiar to any developed legal system";

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41. Quoted, Esser, *Gundlagen und Entwicklung der Gefaehrdungshaftung* 15 (1941).
 42. *Lewis v. Amorous*, 9 Ga. App. 50, 55, 59 S.E. 338, 340 (1907); Note, 59 *Century L.J.* 432 (1904).
 43. Esser, *op. cit.* *supra* note 41, at 15 et seq.
 44. Malone, *This Brave New World, A Review of "Negligence without Fault"*, 25 *So. Calif. L. Rev.* 14, 16, 17 (1951).
 45. Pound, *supra* note 13, at 1050.

(48) and early German demands for a strict liability of motorists were fought by reference to the impact of such a liability on private initiative. (49) Well-known is Ihering's famous axiom that "it is not the damage that results in indemnification, but fault," as "it is not the light that burns but the ozone contained in the air." (50)

In France the fault rule still finds vigorous defenders who are trying to stem the "new morality" (51) of a judicial "théorie de risque." One of the best-known writers in this field sees in the fault rule the "echo of human freedom" (52) and in its abandonment "the triumph of matter over spirit" (53) which must result in the "moral decadence of the whole of society." (54) We found and find the same attitude in Switzerland where some time prior to the enactment of the Federal Code the Drafting Commission for the Zurich Civil Code declared the reenactment of the Roman *actio de effusis vel dejectis* as "a dangerous innovation." (55)

The history of the attempts in all countries, of judges and text writers, to establish an equitable distribution of inevitable losses by a remaking of the fault formula proves clearly, I believe, that our tenacious insistence on fault law

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46. 2 Protokolle der Kommission fuer die zweite Lesung des Entwurfs des Buergerlichen Gesetzbuchs 585 (1898). Cf. Gierke, *Der Entwurf eines Buergerlichen Gesetzbuchs und das Deutsche Recht* 260 (1889). Only where some kind of "fault" could still be imputed, as in the case of a child or insane person, have several modern laws adopted the principle of liability based on comparative wealths. For a collection of authorities see Ehrenzweig, *Assurance Oblige — A Comparative Study*, 15 *Law & Contemporary Problems* 445, 447 (1950).
 47. Mataja, *Das Recht des Schadenersatzes von Standpunkte der Nationaloekonomie* 13 (1888).
 48. Flesch, *Haftpflcht, Unfallversicherung und Normalarbeitstag* 25 (1883), cited Esser, *op. cit. supra* note 41, at 54 n. 3.
 49. Hilse, *Verhandlungen des Sechszwanzigsten Deutschen Juristentages*, vol. 1, pp. 27, 46. See also Ruemelin, *Schadenersatz ohne Verschulden* 58 et seq. (1907).
 50. Ihering, *Das Schuldmoment in roemischen Privatrecht* 40 (1867).

must have a deeper source. The clue to our problem must partly be sought in the law of crime with its more obviously emotional reactions.

3. *The Fault Rule and Why We Cling to It*

Deterrence of other potential wrongdoers and the convicted wrongdoer's admonition are the accepted purposes of all sanction of blame-worthy conduct. Neither purpose can be used to rationalize our insistence on the fault rule.

As late as 1898 an English judge considered deterrence as the purpose of all legal sanctions (56) and later yet an Austrian scholar called it "the signature of law in all fields". (57) But, while deterrence would, indeed, presuppose a "wrongdoer's" fault at least in the eyes of those to be deterred, it cannot support a fault liability of lawful enterprise. Clearly, imposition of liability on the manufacturer for harm caused by his defective merchandise to the ultimate consumer despite all possible caution, is not designed to deter him or others from operations otherwise so effectively encouraged by society. Nor can, realistically, a higher premium he might become obligated to pay in consequence of greater losses, cause him to exercise greater care. Similar often repeated arguments for the retention of the fault rule in the adjustment of automobile losses have been repeatedly disproved. (58) Indeed, deterrence and reformation, "the

51. See Report in his preface (at p. VIII) to Savatier, *Traité de la Responsabilité Civile* (2d ed. 1951) who blames this morality for "confounding pity with justice".

52. Savatier, *op. cit.* supra note 51, at 354.

53. *Ibid.*

54. *Id.* at 327.

55. Bluntschli, *Comm.* vol. III 662.

56. *Allen v. Flood* [1898] A.C. 1, 131. "This looks very much like an effort to give an appearance of modern refinement to a crude instinct. . . ." 1 Street, *The Foundations of Legal Liability* 478 n. 4 (1906).

57. 1 Hold, *Die Rechtswidrigkeit* 121.

58. See James and Dickinson, *Accident Proneness and Accident Law*, 63 *Harv. L. Rev.* 769 (1950).

reasons usually given to justify punishment do not explain why it exists. They serve only to conceal the truth, that the scheme of punishment is a barbaric system of revenge, by which society tries to 'get even' with the criminal". (59) And it is this barbaric system of revenge, in its more refined form of retaliation, which lies at the root of our fault rule.

The psychological basis of our urge for retaliation was recently described as follows: "When it is realized that "wrongs" are impulses whose satisfaction is desired by the individual but denounced by parent and society, and as a consequence, renounced by the individual, it is clear why an individual cannot tolerate a 'wrong' in another without that other's paying for it through punishment. The individual has suppressed certain anti-social impulses because he expects compensation. The child is taught to suppress his wrongful desires by the infliction of pain and withdrawal of love; he learns that if he abstains from wrong-doing he will be compensated by the withholding of punishment and the receipt of parental love. If, however, the compensation is not forthcoming, or if the wrongs of another are not greeted with punishment, a feeling of injustice is provided. A man who has agreed to bargain away instinctual desires at no small psychic cost to himself, is incensed that another may pursue his anti-social impulses without being punished. Here, indeed, is injustice." (60) And here, indeed, is the source of retaliation. Retribution, in Freud's words, "offers an opportunity to the retributor himself to commit the same crime under the pretense of imposing punishment." (61) Not only the wrong itself, then, but its punishment, too, is an act of aggression. This mechanism in the past and present of our criminal law has recently been brilliantly analyzed by Reiwald in his book on *Society and its Criminals*. (62) We

59. Karl A. Menninger, *The Human Mind* 448 (1945).

60. De Grazia, *supra* note 2, at 760.

61. Freud, *Totem und Tabu* 96 (1920) (my transl.).

62. Reiwald, *op. cit. supra* note 2, at 246 et seq.

are now witnesses to what may be particularly significant manifestations of this process.

Many are the penal reforms we are inclined to explain and to praise as the expression of a growing humanization of our criminal law. Thus, capital punishment, previously the most obvious outlet for society's aggressive instincts, is being made as "painless" as possible; prisons, formerly places of unbridled sadism, have been turned into "internment" centers purportedly designed to serve the rehabilitation of "inmates"; and most recently even the imposition of sentences has, however thinly, been disguised as an educational measure. Every one of these humane reforms, while clearly reflecting guilt reactions of a society overfed with centuries of cruelty, will under closer scrutiny prove to be a mere shift of an at least subconscious societal aggression. (63)

Where we find satisfaction in aggression we must pay for it by feelings of guilt. (64) And, indeed, such feelings follow the punishing aggressor no less than the wrongdoer. Much of our criminal procedure reflects society's desire for forgiveness. Anybody who has ever had part in the investigation or trial of a criminal case (or for that matter any litigated issue), knows of the relief it meant to him to receive or to witness a confession (65) or even an admission of a crucial fact in a civil case. Somehow he felt freed

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63. Compare e.g. the much-praised "indeterminate" sentence which purports to promise forgiveness for "goodness" and may in effect easily be turned into a novel instrument for torture by suspense.
 64. And sometimes more heavily. Punishment was meted out for pleasurable aggression to anybody insisting on lawful vengeance for the death of his kin caused by the accused's dog. The dog was hung up over the accuser's door until it had rotted away. *Pactus Alamannorum* 3, 16, in 2 Brunner, *Deutsche Rechtsgeschichte* 549 (1892).
 65. See also Ruth Eisler, *Scapegoats of Society, Searchlights on Delinquency* 288 (1949), giving instances of public unhappiness at the commission of crimes, terminable and terminated by confessions however doubtful.

of his guilt, both its burden and its pleasure: the victim had turned into an ally and a co-judge. So great, indeed, may be our relief that gratitude may turn into general affection for the offender. Beginning with the extortion of confessions by the Inquisition until our present day, society, mitigating the punishment of the "cooperative" defendant, has sought to atone for its own guilt aggression by rewarding the victim's submission. Disgraceful bargains, common and even lawful in this country, between the prosecution and the defense, assuring the accused of milder treatment for pleading guilty to a lesser offense, are only one sordid instance of a general trend.

Parallel experiences in the nursery will readily come to mind. But the mechanics of the guilt reaction are not limited to the purely punitive retribution practiced by society, or the parent. Let us admit to ourselves that much of our law of torts is based on the need for aggressive satisfaction rather than a rational allocation of losses. Entire classes of tort actions which for this very reason have faced a serious decline in our time, are known almost exclusively to serve the plaintiff's vindictiveness. Suits for breach of promise to marry and for the alienation of affection are outstanding examples, and libel and slander largely fit into the same category. Even in the law of negligence we find the plaintiff's aggression as an important factor. Many a wealthy victim of an automobile accident, however little money means to him as compensation for his irreparable loss, will insist on his tort claim if for no other reason than to vent his resentment.

But in the law of torts, as in the law of crimes, coercion, even if practiced in the name of the law, produces feelings of guilt. And these feelings of guilt can be borne only if justified by the first aggressor's moral condemnation. Search for, and persuasion of, the defendant's guilt will make legitimate and "moral" the plaintiff's pleasure at his own "punitive" aggression. What Justice Holmes had to say about the criminal law applies in the law of civil sanctions,

namely that "a law which punished conduct which would not be blameworthy in the average member of the community would be too severe for the community to bear." (66)

If it is true that another's fault, psychologically and often irrationally, induces my desire for tort recovery, it is also true then that tort recovery, psychologically and often irrationally, presupposes the other's fault. So much so that when it became clear that a rational allocation of inevitable losses had to be based on factors other than the injurer's fault, we refused to analyze and to name those factors and preferred instead to use for this purpose an atavistic fault concept which, while broad enough to cover conduct free of individual blame, continued to treat all harm as "tortiously" caused by subconscious intent.

We will remember, of course, that preference for the fault rule was not wholly based on irrational and subconscious factors. When the young industrial society faced the sudden tremendous increase in injuries caused by new mechanical hazardous activities, it was also faced with the fact that these activities, while benefiting only a few, appealed to the entire nation with their daring and vision. But these crossevents cannot rationalize the basic irrationality of the fault rule as a means of allocating losses while protecting "inventive initiative and adventurous enterprise." (67) Is it rational to protect inventive initiative by preserving the fault rule for the distribution of inevitable losses, when calculable premiums paid for this distribution through insurance would be considerably less burdensome than the continuous threat of strike suits under the fault rule? And is it more "moral" to promote adventurous enterprise by assuring the wealthy motorist of impunity for the "innocent" killing or injuring of other users of the road, than to secure a minimum protection to the victim of an automobile accident who is unable to afford, or unwilling to submit to,

66. Holmes, *The Common Law* 50 (1881).

67. Pound, *supra* note 13.

the costly and farcical game of proving "negligence" in court?

In addition to an irrational desire for relief from guilt feelings attending all coercive aggression, conceivably another factor may account in part for the fact that American society not only tolerates but seems anxious to preserve a situation in which popular confidence in the law itself is being sacrificed to the idol of fault as the sole or primary basis of all civil liability. Ruth Eisler in a captivating analysis of numerous individual cases has shown how purportedly solicitous parents have often, subconsciously but all-too-effectively, acted out their desire to see their children delinquent by a strange masochistic mechanism of self-punishment. (68) It may not be too far-fetched to assume that the same self-punishing tendency underlies the toleration and promotion by the law of a chaos necessarily apt to undermine the very authority on which it is based. A maturing society will have to replace this fault formula by one less burdened with pseudo-moral considerations and more responsive to present needs, however devoid the new formula should prove of emotional satisfaction.

4. *The Fault Rule and What Now?*

Liability insurance? All-too-easy, and probably no less infantile than the fault rule, would be a liability based on a test of comparative wealth, which would crudely respond to the impecunious victim's aggression. And such a test, while having originated in capitalistic German thought, has not been adopted anywhere except in the Soviet Civil Code. (69) In my paper "Assurance Oblige" I have tried to show the part which, instead, liability and property insur-

68. Eisler, *supra* note 65, at 288.

69. Section 411 of the Soviet Civil Code provides that "in determining the amount of compensation to be awarded for an injury, the court in all instances must take into consideration the property status of the party injured and that of the party causing the injury." [Transl. 1 Gsovski Soviet Civil Law 525 (1948)].

70. Assurance Oblige, *supra* note 45, at 449.

ance can and will play in the further development of the law. (70) We all know that juries and judges all over the world, in deciding cases of concurring innocence consciously or, more often, unconsciously take into serious consideration the existence of such insurance. It is an ironic reflection on the insincerity and deviousness of our present law that, almost generally, it still prohibits the mention, let alone ascertainment of this fact in a "negligence" trial. It is high time to abandon what has aptly been called an indignant game of "hide and seek", and to treat insurance as what it is and should be, i.e., as by far the most important factor in the development of enterprise liability. Compulsory liability insurance, now widely adopted in many countries, though still taboo in the United States, (71) should of course be the first step in this development. Being justifiable only as a means of protecting the victim who demands recovery without regard to the defendant's fault, compulsory liability insurance would, however, have to be followed by the adoption of a strict liability as recommended by the Rome Institute for the Unification of Private Law. (72)

Strict liability? But even this second step cannot be the end of the road. Even a so-called liability without fault must be recognized as a remnant of that early animism which sees fault in all causation, and to which paradoxically, the person innocently causing harm is "less innocent" than the injured. (73) In this sense fault is "the mother of absolute liability statutes." (74) And the unhappy term "quasi-delict" may owe its existence to this rationale, (75) as probably did the existence to this rationale, (75) as probably did the late-

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71. Only the Commonwealth of Massachusetts has adopted such a scheme, which, contrary to all predictions and notwithstanding a relentless opposition by the insurance lobby, has failed to produce disaster.
 72. International Institute for the Unification of Private Law, Preliminary Draft of a Uniform Law on Civil Liability of Motorists, Unification of Law, 31, 175 (1948).

lae-Roman attempt at disguising strict liabilities as based on *culpa levissima*.

If liability for conscious fault produces feelings of guilt in the claimant, this must be equally true in the case of strict liabilities. And, indeed, legal history is replete with facts bearing out this assumption. In more recent times we remember the "caution" which prompted the American Law Institute in Section 519 of its Torts Restatement to proclaim a strict liability for extra-hazardous enterprise only to withdraw this bold move in the subsequent section exempting virtually all practically relevant types of such enterprise as being of "common usage". Or we may watch the development in the British courts which, after many a courageous step toward the victim's protection, now seem to retreat into a more conservative application of the fault rule.

Loss insurance? But the most significant instance of the lawgiver's ambivalence is presented by a recent legislative experiment which is receiving growing and deserved attention. Elsewhere I have tried to show that ultimately, in accordance with schemes proposed in Scandinavia and Germany, the development must lie towards the wholesale substitution for tort liability and liability insurance, of loss insurance, i.e. an insurance of losses (bodily injury and property damage) rather than liability. Purporting to follow this approach, the Automobile Accident Insurance Act of Saskatchewan offers indemnification for accidental injuries to any user of the road without regard to the ascertainment of a guilty motorist or for that matter of any motorist at all. (76) But this Act limits this recovery so narrowly that it has had to retain "negligence" liability and thus the most irrational

73. For a history and criticism of that "paradox" see Unger, *Handeln auf Eigene Gefahr* (1904).

74. Croissant, *Haftpflicht und Eigenes Verschulden* 25 et seq. Cf. also Bienenfeld, *op. cit.* supra note 29, at 101.

75. See on this term and in general this writer's *Schuldhaftung im Schadenersatzrecht* (Vienna 1936).

76. See Friedmann, *Social Insurance and the Principles of Tort Liability*, 63 *Harv.L.Rev.* 241, 258 (1949).

feature of our law. And by excluding, I believe needlessly, private insurance, Saskatchewan has provoked protest and "punishment" by the rest of the Western world.

The imperfections of this experiment, and the resistance offered elsewhere to similar schemes, may prove that we are not ready yet for this solution and that the abandonment of liability as a means of distributing enterprise losses would be premature. But it is the more imperative to seek a way to remedy what has become a meaningless game in our courts, which, by encouraging skilful and often devious practices in influencing witnesses and juries, by permitting the perversion of court trials into frivolous gambles and by preventing our judges from attending more speedily and effectively to other duties, threatens further to increase dangerous disrespect for court procedure and court law. We must finally recognize and acknowledge that, when we compel litigants in "negligence" cases to prove and disprove guilt and innocence as causes of what in truth are inevitable incidents of our hazardous society, we are repeating a procedure not greatly superior to the trial by battle or the ordeal by water or fire.

In view of the unlikelihood of legislative action we may have to seek at least partial relief by persuading our courts to isolate, in their instructions to the jury, this type of litigation about "negligence without fault" as a new category of both our tort law and liability insurance. This, courts will not be willing to do unless we can show that the conscious and open imposition of strict liabilities, far from being a relapse into primitive urges, would signify a further step in society's gradual progress from fault liability through liability without fault to the abandonment of liability as a means of loss distribution. To prove this proposition I have tried to show that what appears as a liability without fault in the early history of mankind was in truth a crude animistic liability for fault, and that our insistence on maintaining the fault principle is deeply rooted in our irrational desire to counter by finding guilty aggression in the defend-

ant, our own guilt feeling attending any wish to coerce; and perhaps by a self-defeating wish of society to undermine its own authority by the promotion of chaos in the law.

Not until this knowledge has become common shall we be willing to abandon the fault rule which with its retributory satisfactions is itself a relic of the dark ages of social psychology; and to replace the obsolete formula by a new device, thus belatedly taking account of the tremendous changes which have occurred in our society and economy since retribution and deterrence have ceased to be the only moving forces of legal sanction. It is for this purpose that this paper has enlisted the help of psychology.

77. Materials prepared for the Robert S. Marx Seminar 1952 (mimeo.) on "Adjustment of Automobile Losses", with extensive bibliography.

78. Cf. Grad, Recent Developments in Automobile Accident Compensation, 50 Col.L.Rev. 300 (1950).

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Ivanhoe and the Teacher (1)

by

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The interest which psychoanalysts, more than other psychologists, have always had in artists and their work — particularly imaginative writers — is at last beginning to bear fruit in the teaching of literature in our schools. Several colleges throughout the country offer courses in which psychoanalytical facts and theories are used to aid in the study of great masterworks. The movement is not widespread but it seems likely to grow and for that reason it may be worthwhile to consider at this time what some of the goals of this educational technique may be.

It should first be noted, however, that the vast majority of teachers of literature would find little use for psychoanalytical or any psychological knowledge in their work. Most teachers of literature conceive of their task as primarily one of getting the students to enjoy or appreciate the story or play or poem which they are reading. Reading works of imaginative content is for the most part a skill to be acquired much as reading music demands first learning to play a musical instrument. There is very little use of analysis in the sense of finding out why the language is used the way it is. If there is to be analysis it is only carried so far as is needed to arouse emotional and imaginative interest in the work. Purely aesthetic or historical categories are often

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1. The author wishes to express his gratitude to Mr. Jacques Schnier, and to the San Francisco Psychoanalytic Education Society before whom this paper was read in its original form. Some of their helpful comments have been incorporated into the revised form.

used but they usually stop short of systematic scientific formulations. Thus in discussing a poem a teacher may remark upon its literary form, the linguistic ambiguities of meaning, the historical background of the time when it was composed, details of the author's life, etc.; but all such comment is made primarily to focus attention on the poem for purposes of appreciation. Psychological or sociological explanation of the poem or story with a view to thorough comprehension of its meaning is looked upon as picking the work to pieces. Even teachers who employ what is called the New Criticism which has popularized a certain type of aesthetic analysis find that it carefully keeps away from any systematic psychology or sociology. (2)

What has just been said is not intended as a criticism of the attempt to raise the level of taste of the average student. Every teacher is faced with a peculiar problem

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2. The extent to which contemporary teaching is dominated by the belief in a split between literature and science is seen in such popular texts as Brooks' and Warren's **Understanding Poetry**. These authors assert that the language of science is characterized by the communication of verifiable fact, whereas the language of poetry communicates feelings, attitudes and values which are not verifiable. The fallacy here seems to be that, strictly, feelings and attitudes cannot be communicated. All that can be done is to report information (facts) about these values, which are then said to be "evoked" or "expressed". If this is true, the language of poetry does not differ basically from that of science. When a scientist makes the statement "Water is H_2O ", he is not excluding his attitudes and feelings (value judgments). On the contrary such a statement implies judgments of truth and moral value, for the scientist not only regulates his own behavior because of his knowledge that " H_2O is water" but his behavior with respect to his fellow men. The statement implies the scientist's belief that this type of verbal precision will lead to a control of nature which is socially useful — hence moral value is implied or evoked. Doubtless to many scientists such a statement does not lack aesthetic value. Poetic statements, on the other hand, while they obviously give information about all types of value, are not lacking in informational or factual content *per se*, and this content can be verified with the aid of psychological and

in this respect. Young people of high school and college age usually have an enormous appetite for the fantasy products of the imagination. Their interest in the movies and comic books, which in adolescence is far greater than it will be in any other period of their lives, proves this. But the imaginative works which they encounter in school, from the hands of the teacher, often fail to interest them. It is not surprising then that the teacher believes that arousing this

sociological science. There is, however, one difference between poetic and scientific statement. It is that the scientist takes the entire range of fact for his province, whereas the poet confines his attention primarily to the realm of unconscious childhood fantasy and the way in which that influences adult human behavior. This explains why the artist seems to communicate more information about values and feelings than the scientist. The artist displaces affects which result from childhood conflicts onto relatively concrete symbols and relationships. The concreteness of this imagery used by the artist's imagination is partly due to the fact that the child's mind lacks the experience necessary for more abstract symbolization, partly to the artist's narcissistic or integrative tendency. The scientist, on the other hand, displaces his affects onto a fuller range of abstractions with the result that his language has a much more diffused emotional tone than that of the artist who exhibits the "all or none" effect in loading his picture language with emotional overtones. The information involved in the conscious evocation or expression of feelings by the artist is, of course, more difficult to verify than that involved in unconscious fantasies. It is known, however, that unconscious attitudes form the basis of conscious ones. Furthermore verification of unconscious fantasies for the teacher of literature is primarily a matter of showing that they are common to the members of a culture group rather than demonstrating that they are unique facts. The latter is the business of the psychologist. Then, too, since the nature of these unconscious childhood fantasies is so little understood we tend to think that the poet has no facts or information but only values to communicate. It is here that the teacher of literature has an important role to play. The dangers inherent in splitting the factual or report aspect of any communication from the value or command aspect and the importance of seeing these two aspects as a unity is stressed in Ruesch and Bateson's recent book *COMMUNICATION, THE SOCIAL MATRIX OF PSYCHIATRY*.

interest is his primary task. And there is no doubt that this is true, but what is often overlooked is that once this interest in the culturally approved books has been established, and with teachers who have a liking for literature as well as for their pupils this does not take very long, there is need for something more than evaluative attitudes toward the work. We know, for example, that the average student's interest in the sciences is usually no stronger than that in art and literature—often less strong. Yet study of the sciences involves rigorous techniques of analysis—picking to pieces—which the student's interest seems capable of surviving. One suspects, moreover, that some of the disrespect into which the arts and humanities have fallen is due to the fact that they have not been subjected to the rigorous analysis which science has both submitted to and used so effectively.

There is in fact no real danger that a work of literature can be destroyed by a correct scientific analysis of its meaning. Neurotic persons, whether teachers or students, may find their own unconscious defenses shaken by such an analysis and hence may consciously feel that something has happened to the work itself. But this reaction will not occur in the average not-too-neurotic, normal person. If such an analysis is not dangerous, and if with the help of psychoanalysis we can now formulate the methods for making it, what are some of the goals to be aimed at?

It seems to me that one of the important goals which psychoanalytical methods can help the student attain is a proper sense of the fantasy character of literature. The average person tends to think of stories and poems as if they were historical records of what the characters in the story actually did. It is true that he may realize in a general way that Scott's *Ivanhoe* was not a real person but only a fiction created by the author's imagination. But he usually settles that difficulty by saying that *Ivanhoe* could have been a real person and that therefore the story is still basically the same as a historical record. What this point of view

overlooks, and what psychoanalysis can show to be the case, is that Scott does not create *Ivanhoe* because he wants to pretend to be an historian of a supposedly real person, but rather because *Ivanhoe* symbolizes and expresses defenses and wishes which are universal within the human mind. This view of literature and art as expression rather than imitation is, of course, not the discovery of psychoanalysis. What psychoanalysis is able to do is to show just what mental elements are being expressed when an author uses this or that group of symbols. It is only this kind of analysis which can effectively puncture the belief that the artist is a kind of photographer, objectively representing what he sees in the external world. Anyone who realizes the extent to which art distorts and recreates the world external to our minds will also realize the value of a method which makes clear what is subjective and what is objective information in a work of art.

A second goal which psychoanalysis can achieve correlates with this first one. While the average person, on the one hand, tends to make the artist into a historian, on the other hand, he often thinks of him as the purveyor of falsehood and nonsense. Those parts of *Ivanhoe* which are not realistic but poetic he dismisses as meaningless fancies. What psychoanalysis can do is show that fancy and the imagination do not create meaningless whimsies but that many details of the story can be rationally explained in terms of our knowledge of how the mind works. The explanations can be applied not only to the obviously puzzling metaphors and personifications of poetry but also to the sequence of events and the behavior of characters in the story. These may seem to need no explanation, being just what could occur in the external world. But on close scrutiny they are seen to have subjective origins.

Both these goals have to do with the better understanding of the work of literature in itself. But if, as we have said, literature is primarily expression of psychological forces then understanding of literature will to some extent involve under-

standing of the mind, one's own mind, that appreciates and creates it. Another goal, then, to be attained is a knowledge of the actual or present complexity of our mental life. The average person tends to believe either that his own and other people's minds work in simple and easily understood ways or that they are so devious as to be totally incomprehensible. What psychoanalysis can do is to encourage the habit of patient and sound analysis of motives and other mental components. It is true that there is a difference between the psychology of the imagination and the psychology of real people, but there are also important matters which the two have in common. Literature, indeed, has this advantage over case histories and clinical observation that it is simpler and more readily accessible to the beginner in psychological knowledge. A novel is more pleasant to read than a case history and more easily analysed than a real person.

Still another goal in this same area of self-knowledge, and perhaps the most important one, is an understanding of the fact that our mental life has a history and that we often have to struggle more with our own past, inner difficulties than our present external ones. Literature presents ample evidence of this truth. The language of the imaginative writer is frequently ambiguous in such a way that childhood meanings are allowed to coexist with adult ones. These earlier meanings are usually unconscious and for that very reason need the analytical methods of explication if they are to be understood.

But at this point a question may arise. Are not some of these childhood meanings in literature better not brought into consciousness? Should the teacher point out genital and anal sexual meanings to adolescents of high school and college age? In my opinion this should be considered another of the possible goals of this educational technique. (3)

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3. On the integration of sex education into highschool English and other subjects see L. A. Kirkendall, "Sex Education", NEA JOURNAL (Dec. 1951) 633-4.

It is just because sexual knowledge labors under such heavy taboos that the teacher must make the effort to give some sort of rational discussion to the topic. He is better fitted to do this than parents who are too close, that is, too much involved in the childhood aspects of conscience which forbid such knowledge, to their children, or friends of the same age who are too ill-informed. It is, however, of first-rate importance that the teacher be able to discuss these matters with confidence and maturity and without betraying an unconscious anxiety, shame or disgust which will speak louder than his words. A married teacher will be more trusted and at his ease here than one who has no such experience. The teacher, even so, must use tact but he has an invaluable aid in the literary text which he is analyzing. In it the artist has expressed his own deepest feelings with regard to these childhood problems. He has done so in a way which, in the case of classics like *Ivanhoe* at least, has long had public approval and backing. Once the student understands what the artist is talking about he has also found a culturally approved expression for what he himself cannot express with the same skill that the artist used. Explicit analysis will make his work meaningful and his work in turn will make explicit analysis palatable.

These then are some of the goals by which the use of psychoanalytical knowledge in the analysis of literature may be guided. But how would such an analysis of a work of literature be made? By way of illustration I should like to give some analytical comments which might guide a teacher in the teaching of Scott's *Ivanhoe*. This is a standard classic in both high school and college and one which at first sight might seem to be wholly lacking in subjective motivations. It seems to be history. Still, a closer inspection of the story shows us that Scott has chosen episodes which have more than historical meaning. There are four or five main ones. They are: the meeting of the travelers and main characters of the story at the home of Cedric the Saxon at supper time, the great tournament at Ashby, the

meeting of King Richard and the men of Robin Hood's band, the siege and destruction of the castle of Torquilstone, and the trial of Rebecca before the Templars. What is the relation between these events? Is it merely that Rowena is abducted to Torquilstone after the tournament and therefore must be rescued, and Rebecca is abducted from Torquilstone after the siege and must in her turn be rescued? Why does Scott want to tell us about these abductions at all? Or are these seemingly unrelated events determined by psychological patterns?

Suppose we begin with the tournament at Ashby. What is the significance of it as Scott describes it? Clearly it is not just a passage at arms between adventurous knights. The fighting is for the sake of the Queen of Love, in this case Rowena who grants the visitor his chaplet reward. This fact suggests to us that the tournament may be a struggle between father and son in order to demonstrate love for the mother, that is, the tournament is an expression of the positive oedipus complex. Let us see if the details which Scott gives us bear out this hypothesis. First, we notice that the victor in the tournament is the son of Cedric the Saxon and that he goes under the name of The Disinherited, rather than Ivanhoe, because of a quarrel with his father about Rowena, Cedric's ward. Cedric wishes to marry her to Athelstane of Coningsburgh, one of the knights against whom Ivanhoe has been fighting and whom we may accordingly think of as a father image. We also note that Ivanhoe has allied himself with the Jew, Isaac of York, who supplies him with armor. This fact, taken together with the fact that one of Ivanhoe's chief opponents in the tournament is the Templar, Brian de Bois Guilbert, suggests a religious overtone to the father-son conflict. Scott tells us that Isaac, like Ivanhoe, is an outcast. The Templar also has designs on Isaac's daughter Rebecca with whom he wants to make free, much as a tyrannical father (Christianity) arbitrarily disposes of rebellious children (Judaism).

The reader may at this point wonder whether this dis-

covery of the positive oedipus complex in a literary text ought not to be supported with biographical evidence concerning the author. This has been customary among psychoanalysts discussing works of art. But from the point of view of the study of literature biographical evidence has little value. There is no need to prove that Scott "had an oedipus complex". Clinical evidence has now established that all individuals in our culture have this and several other "complexes". Since great literature for the most part expresses primarily universal patterns there is no need, to learn the meaning of the work itself, to inquire in what way Scott's mental structure differed from that common to all men in our culture. Teachers of literature, too, can hardly be burdened with the task of adducing clinical evidence for the psychological theories which they employ. They must, of course, be convinced that and know where such evidence exists. But as teachers of literature their chief task is to show that certain relationships are to be found between the characters of the story or that language is being used in a way which can be explained by known psychological mechanisms. Once Ivanhoe's relation to Rowena, Cedric and Athelstane has been pointed out, there is no further evidence which can "prove" this pattern of relations to be an expression of the positive oedipus complex. Doubtless the reader will find such an interpretation more convincing the more he knows about psychology, sociology, biography, literature and history, but the conviction which stems from this background of information does not substantiate the truth of the original interpretation.

But there are several details in the tournament episode which suggest that there is more than the positive oedipus complex involved. One of these is that though Ivanhoe is victorious he is also seriously wounded, so much so that he faints in the presence of his father and Rowena. From now on we see him in the passive position of the son who has been mutilated by the father. He is conveyed from the tournament by the outcast Jew and his daughter. Carrying

him in a litter they seek the protection of Cedric the Saxon's party as they travel from the tournament. But the whole group is soon captured by the armed men of Sir Maurice de Bracy who plans to make Rowena his bride by force. They are all taken to Torquilstone, Front-de-Boeuf's castle. This knight's name, which means ox-head, suggests that he is to be the most brutal father image of any encountered so far and he thoroughly lives up to this role in his treatment of the helpless prisoners he has within his castle. As sadistic father image he suggests that events which occur at his castle are the negative oedipal reaction to the expression of the positive oedipus complex at the tournament.

In addition to the passivity of the prisoners before their brutal torturers there are several other details in this episode which can be explained with reference to the negative oedipus complex. We know that this complex is associated in the child's mind with feelings of anal passivity and anal coitus and castration of the son by the father. The child also models his attempt to reconcile himself with the father, as a result of his rebellion in the positive oedipus complex, on the submission involved in the love embrace which he witnesses in animals. This means that he plays a feminine role. Can we now find evidence of the anal and feminine elements in these unconscious fantasies in the Torquilstone episode? Let us take the anal elements first.

With regard to Front-de-Boeuf's attempt to extort money from Isaac, Scott tells us, in a note to be sure, that he modelled the scene on an old chronicle in which a man was tortured by having fire fed "sometimes to his buttocks, sometimes to his legs, sometimes to his shoulders and arms; and that the roast might not burn, but that it might rest in soppe, they spared not flambing with oil (basting as a cook bastes roasted meat)". Thus Front-de-Boeuf attacks Isaac in the buttocks in order to extract what Scott calls his filthy lucre. The symbolism of anal dirt is represented in this case, as throughout the story, by making negro slaves do the actual work of torture, and Isaac's high yellow cap

also points to the equation between gold and feces. Another anal detail is to be seen in Scott's making Front-de-Boeuf send food to Cedric and Athelstane by means of a "sewer"—an archaic word for steward which makes a very opportune pun at this moment. The placing of Cedric and Athelstane in the role of sons instead of fathers serves to accent the pre-eminence of Front-de-Boeuf and also allows for a defensive demotion of one or two father images to counterbalance the deep passivity of Ivanhoe, Isaac and Rebecca.

What now about the feminine identification of the hero which is also proof of his submission to the father? With respect to Ivanhoe Scott gives us the evidence for it when he makes the wounded Ivanhoe say that he feels "like a woman or priest" when he cannot enter the battle which is raging in Torquilstone. When he is rescued by King Richard, Scott says he is carried off as easily as if he were the Jewess Rebecca. He is also compared to a war horse which insofar as a man rides upon it is a standard literary symbol for feminine genital passivity. Rebecca, on the other hand, comes very near to suffering rape at the hands of Brian de Bois Guilbert and the author accordingly assimilates her to Ivanhoe's masculine character by comparing her to Damocles with the sword suspended over his head. He also touches on the anal detail by making Brian say that Rebecca is gold to be tested. Later her father compares her to the Biblical boy Ichabod. We may also note that Wamba the clown, who rescues Cedric from Front-de-Boeuf's fury by substituting himself, compares himself both to an ass and a mare — once again the horse symbol for feminine passivity.

The destruction of the castle and its defenders is the most telling piece of evidence, and it is brought about by two means, one from without and one from within. The latter is the more spectacular and enables Scott to express most forcefully the climactic experience of feminine orgasm — an adult addition to the childhood construction of the negative oedipal fantasy. He makes the insane Ulrica,

a discarded Saxon mistress of Front-de-Boeuf who has conspired with him in the murder of his father, set fire to the castle and bring destruction on his and her head though the other prisoners are saved. Thus the masochistic elements of the negative oedipal relation come to full expression.

At the same time the castle is being attacked from without by a band of Robin Hood's men, some of the Saxon people and King Richard in disguise. The group is ostensibly led by Gurth, Cedric's swineherd, who was the first character introduced in the novel. He was sitting beside a rock dammed stream. This fact has special significance for we now recognize in this external attack on Front-de-Boeuf another fragment of the positive oedipal relation, the attack on the father. But this second version of the attack has a new motivation when compared to the tournament episode. Since Gurth is a swineherd his main concern is with food for the greedy pigs and this makes him representative of the oral, preoedipal conflicts via a shifting of the quarrel away from mother to father. (4) We now understand why the opening scene of the novel showed us the travelers, including Ivanhoe, arriving at supper time at Cedric's hall. The first hints of conflict between Ivanhoe and Rebecca on the one side and Cedric and Brian on the other side are oral. The connecting link between oral and anal passivity, preoedipal and negative oedipal relations, and their appropriate aggressive defenses is neatly illustrated by Scott's putting as head piece to one of the chapters preceding the burning of the castle some lines from Goldsmith's *She Stoops to Conquer*. It is Ulrica who does the stooping and while on the one hand this suggests the position of defecation, on the other the lines quoted, "A damn'd cramp piece of penmanship as ever I saw in my life!", refer to the written challenge which Gurth has sent Front-de-Boeuf. (Another indication of the swineherd's genesis from oral levels of

4. For clinical evidence on this and some other points in this paper see Edmund Bergler **THE BASIC NEUROSIS and THE WRITER AND PSYCHOANALYSIS.**

experience is the pun on his name, Gurth). Thus the original aggression stems from the preoedipal level but it is displayed most conspicuously on the oedipal levels. Thus, too, the conflagration alludes to the myth of the Muse who is the poet's feminine identification which enables him to produce the "light" of language. (5)

Other indications that the oedipal scenes are defenses for the preoedipal conflict may be found in the fact that De Bracy makes his plan to abduct Rowena at a feast which King John gives as entertainment for Cedric and other nobles. The actual attack on her takes place just after Cedric has hurled a javelin at Gurth's dog Fang. Since oral aggression results from frustration due to the distance between child and breast, archery and javelins are appropriate weapons to symbolize it. In jousting, however, the weapon does not fly through the air, as the part-object breast seems to do, but remains attached to the body as the penis is. We note consequently that at the tournament the archery contest symbolizes the oral conflict just as the jousting symbolized the oedipal one. Locksley (Robin Hood), who wins this contest, is called a cowkeeper and in the head piece to the chapter Scott quotes from the *Iliad* to show that a cow, (as symbol of the milk giving mother), is a proper prize in an archery contest. It is even possible that Scott introduced the character of *Robin Hood* because of the importance of the bird symbol on the preoedipal level. The mother's breast seems to be symbolized by the bird due to the child's experience of his own immobility and the apparent mobility of the elusive source of nourishment. If we keep this symbolism for the aggressive breast, identified on the oedipal level with the penis, in mind, we can understand why Scott compares Ivanhoe to a hawk during the tournament and why Brian's shield device is a crow. Ivanhoe's shield device is an uprooted oak tree—probably the tree as an oral symbol

5. See the author's *The Muse At Length* (Boston: Christopher Press 1953).

which is immobilized like the infant in the oral phase and draws nourishment from mother earth.

We have now seen how Scott uses the two major episodes of the novel, the tournament and the siege of Torquilstone, as oedipal defenses for the preoedipal conflict which is hinted at in the opening scene of the story. But how does the final episode of the book fit into this sequence? It concerns the abduction of Rebecca from the ruins of Torquilstone to Tempelstowe, the court of the Templars, where Brian de Bois Guilbert hopes to be able to seduce her. Unfortunately, however, the Grand Master of the order makes an unexpected appearance and puts a stop to this infringement of the rules of the order. In order to save face for Brian, it is Rebecca who is accused of seduction and she is put on trial for witchcraft. With true masculine courage, however, she throws down her glove and demands a champion. Ivanhoe, with whom Scott seems to have unconsciously identified Rebecca, is at present too far distant to come to her rescue. How is she to be helped or, in other words, how is the feminine identity of the negative oedipal pattern to be saved from complete masochistic destruction?

What Scott tries to do is to show us a struggle going on within the sadistic father image, Brian de Bois Guilbert, which eventually results in his death just as Ivanhoe attacks him in the lists as Rebecca's champion. Scott rather implausibly says that he died "a victim to the violence of his own contending passions". But while the death is not plausible from an objective point of view the description of the passions, from a subjective point of view, is so. Scott shows him torn between all three patterns of childhood experience: preoedipal, positive oedipal and negative oedipal. As a knight his life has been occupied with defending Mother Church and Jerusalem, the *communis mater* of Christianity as Abbot Aymer calls it, from the pagans. This is positive oedipal. At the same time he has negative oedipal traits. Like the feminine identity in that pattern he says he will behave "as meek as a maid" in the presence of Cedric at

his supper table. The anal detail appears in his swarthy complexion which is also similar to that of Rebecca. She indeed compares him to a garden of flowers and thus labels him with a common symbol of the feminine genital. Equally important are the preoedipal symbols which are attached to him. He carries Rebecca to Tempelstowe "like a heron to her haunt" and this identification with the feminine bird-breast is made even more explicit when he tries to force Rebecca to his will by comparing himself to a resistless mountain stream which rushes to the ocean. From these details we can see that Scott solves the dilemma with which Ivanhoe and Rebecca are faced by projecting the entire series of conflicts on this father image and letting their opposing tensions destroy him. Furthermore, by making Brian submit to Rebecca as if she were his "ghostly father", Scott reverses Rebecca's previous role and places her in the position vacated by Brian.

And after all, Scott has not really demoted the father image. He still exists in the figure of the stern Grand Master of the order of the Templars whom King Richard puts under arrest for treason. Richard has been known as the Black Sluggard and the Devil and thus we have the rebellion of son against father, and mother church, too, since the Grand Master calls on the Pope in his defense, all over again. There is also an amusing epilogue in which Athelstane of Coningsburgh, who was thought to have perished in the fire of Torquilstone, is resurrected from the dead. The monks, hoping to get his lands, have substituted a corpse for his very live person which they imprison in their abbey. But he escapes and turns the funeral feast into a wassail. Thus the narcissistic theme of immortality and resurrection, which serves as a defense for the passive, self-destructive tendencies of the preoedipal and negative oedipal conflicts, is asserted. Here in the arbitrary and magical disregard of external reality we see that megalomaniac omnipotence is the artist's prerogative.

The analysis of the novel here given is not intended as

in any way complete or exhaustive. (6) Nor is it given in the language and manner with which a teacher would present the novel to his class. It is simply intended as a guide to the psychological structure of the story on the basis of which further analysis and discussion could continue. One technique of presentation, for example, is to consider the story a kind of puzzle which poses certain questions for the student to answer. To many of these, of which only a few examples have been given, psychoanalytical methods alone can provide a solution. A good teacher, too, would vary the psychological explanations with sociological and historical explanations of some details of the story.

If, however, the above analysis has at least suggested that the novel is basically an expression of a psychological structure of wishes, defenses and integrations we may now point to a further consequence of this sort of approach to literature. It is that with increased understanding of the meaning of the text there should follow an increased appreciation and aesthetic enjoyment of the work. This may seem to contradict the well known opinion of Coleridge that complete understanding of a poem tends to destroy the pleasure it has to offer. But when Coleridge spoke of a suspension of critical faculties (by which he meant judgmental, not explanatory) while reading poetry he obviously could not have been referring to psychoanalysis. My own experience is that the application of analytical technique only increases the enjoyment of literature in both student and teacher. It is possible that one reason for this is that the teacher by concentrating attention on precisely those elements of the work which express unconscious wishes, defenses and integrations helps to destroy the superficial resistances which have been set up against the recognition of these unconscious factors. It is this unconscious resistance

6. Further aids to the application of psychology to literature may be found in such a publication as the *NEWSLETTER* of the Conference on Literature and Psychology published under the auspices of the Modern Language Association of America.

which is one of the strongest hindrances to enjoyment of the work. The unconscious fantasies on which literature is largely based are infantile in origin. But after puberty there is a tendency in the not-too-neurotic adolescent to want to put away these childish fantasies. Puberty has however temporarily revived them, and the attempt to appear mature and adult often results in rigid but superficial repression in seeming conformity with the demands of authority. Now when the teacher, with appropriate methods of analysis and persuasion, directs attention to these tabooed elements and shows that they may be expressed and enjoyed, it is not surprising that aesthetic pleasure is experienced in a new and purified form. The satisfaction may not be so intense as when experienced under the impression that it was illicit but on the other hand it is more mature and stable.

This leads us back to our main conclusion, that the chief advantage of the application of psychoanalysis to literature is to rationalize and make more intelligible its experience. Without some such technique literature is simply its experience. Without some such technique literature is simply a record of events which have no common core of meaning—or if common elements are discovered they are of the trivial and superficial character to be found in most aesthetic or historical discussions of literature. But psychoanalysis can show us the universal and deeply human patterns of the inner life which all great pieces of literature have in common with every reader. These patterns are not vague and fragmentary ideas about human nature drawn from conscious, common sense psychology. Their complexity penetrates to every detail of the work and shows how the whole is held together in a structural relation. Moreover these patterns have a direct and important bearing on life as it is lived by the student. They do not isolate the work of literature in some kind of aesthetic vacuum which, while it may serve the unconscious purposes of this or that neurotic teacher, nevertheless has a stultifying effect on the minds of

the students. It is a perennial slogan with teachers that literature must not be divorced from life, yet nothing is more common than this very situation in classrooms all over the country. Just how much of this divorcee is due to the fact that teachers do not dare to face their own unconscious fantasies — often more neurotic than those of their students — and how much is due to the inadequate popularization of the methods of psychoanalysis applied to literature, remains to be seen.

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"For when all is said and done our resemblance to the savage are still far more numerous than our differences . . . to our predecessors we are indebted for much of what we thought most our own."

Sir James G. Frazer "The Golden Bough"

Initiation Ceremony and African Sculptures

by

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Our purpose here is to analyse the significance of African initiation rituals, and point up meanings they may have for us. Our discussion of African sculpture shall be limited to its use in these rituals, and to make clear that the figures are regarded as useful tools rather than works of art. (Ref. 1)

In the Western sense, we shall also endeavor to show that the initiation ceremonies, as an institution, had great integrating powers. It was from the communal ideology, fostered by such institutions that the powerful African art emerged.

African rituals can be divided into two main groups, those with a *religious* and those with a *magical* function, the

two sometimes intermingling. In its religious usage an ancestor statue is the abode of the spirit of the dead ancestor whose good will is sought through prayer and offerings to the statue. The same statue, used to heal the sick, (disease being attributed to the wrath of the ancestor) had a magical function.

Religious are those *rites de passage* ceremonies which mark and celebrate decisive episodes in our course from "womb to tomb." They include birth, puberty (initiation into the community), marriage and death. Their importance has been signalized in the rituals of all organized religions. As regards initiation, the Catholic church has the ceremony of baptism at birth and confirmation at puberty. The Jewish religion has still more dramatic rites, circumcision eight days after birth, and the elaborate bar mitzvah confirmation at thirteen, for which the boy makes long preparations.

Magic seeks control over the supernatural powers of nature for specific ends; to heal sickness (as we have already noted); to assure good crops; good hunting and fishing and gain protection against dangers, among which malevolent spells of the enemy are included.

Magical rituals embody strategies, based on ideological concepts that usually have long been forgotten. The rituals themselves are often traditional, automatic actions, the original sense of which are forgotten even by those who perform the rituals. (Most people who today knock on wood for luck, do not realize that originally this was done to invoke the protection of the spirit of the wood, protection against danger).

The chief significance of African rituals is that they were performed in the community; they constituted a social integrating force and actually initiated the social order. Rituals means participation; were communal confirmations of sanctified beliefs. Following sacred precedents, founded upon sacred myth, they became the law of the community. The authority of the hierarchic heads of ritual societies, king, priest, elders, reassured the youths who suffered the ordeals

of initiation. Their authority then, as on all other life occasions, functioned as the ultimate protective force, the Ideal Father, providing refuge from doubt and loneliness, giving decision and direction at crucial moments.

Of all the rituals performed during the African's lifetime, the *initiation ceremony* ranks as the most important. This ceremony, as we shall see, has complex functions, each corresponding to a deep psychic need. With the initiation ritual, the adolescent was admitted as an adult into the community. Because this ceremony was a social function, a social framework was devised. And the sanctions it received endowed it with such authority as to make it valid beyond the present generation, assuring survival beyond the life of the initiated.

The organizations administering such rituals have been termed "*secret societies*". Most African tribes have one for its men, some also have secret societies for women. A number of the societies cross tribal lines. The Poro includes the Geh, Mano, Gio, Kra, Konor and other tribes (Ref. 2) and extends into what is today called Sierra Leone, Liberia and Ivory Coast. The Bundu women's society (in Liberia, called Sande) takes in the Mendi and several tribes in Liberia and extends from Sierra Leone to Liberia.

The organization of these secret societies is of great interest. They fulfill not only the role of a church as we understand it, but, by exercising legal functions, they have political significance.

Through their regulations, every secret society conducts initiation ceremonies which usually occur at adolescence and include circumcision. Among the Warega of the Belgian Congo (Ref. 3) however, the initiation to different grades in the secret society occur at adulthood, and ivory statues, ivory and wood masks are used in the rites. Circumcision is administered but without ceremony.

But the basic ideas are the same, and the majority of African secret societies meet deep psychological needs of the adolescent initiate and have a social integrating effect upon

him. Certain general characterizations, therefore, can be made of all, despite slight divergences among them. Thus, when we speak of a *hypothetical* West or Central African *secret society*, it should be understood that every detail need not apply to every secret society, but their general nature will be similar.

In their dramatic enactments, African initiation rituals show great insight into adolescent needs. Our confirmation ceremonies are pale and ineffectual by comparison.

I. NEW LIFE:

The Africans believe that when a young man or girl reaches puberty, he or she starts a new life. This implies individual and social recognition of the paramount importance of the sexual drive. Africans do not repress it, as we do, but acknowledge it and emphasize it at adolescence. They are aware of pre-adolescent sexuality, but consider it a form of play, satisfying a need that has not yet acquired mature social importance. Simple instruction by an elder at this point, would be insufficient without ACTING out this new life and making it dramatic.

Logically, a new life can exist if the old one is terminated. Thus, the idea of *ceremonial death* in the rituals. Among the Bapende, in the Belgian Congo, a mask called Minyaki represented the outgrown adolescent life. When the Minyaki mask was discarded, the old life died and the youth emerged as a new person.

To understand how a piece of sculpture can be regarded as a symbol of life, in this case the life of the adolescent, we must take account of a basic African concept, animism. (Ref. 4) This is the belief that an inanimate object (anything from a stone to a carved object) has life, that it can be the abode of a spirit. Thus the idea that the mask contained the life of the adolescent with whom it was in contact, and that, by casting it away, the old life, now residing in the mask, is done with, makes sense to the African.

Among the Mendi (Ref. 5) of Sierra Leone, a "Devil" spirit represented by a mask was supposed to eat the can-

didate. As part of the ritual, the devil disgorges the initiate who is then considered newly born. His head is shaven to simulate the hairless scalp of an infant. He is washed, like a baby, and given a new name.

A new name in Africa connotes actual new identity, a new person. At birth, through the ceremonial of naming a child after one of his ancestors, the spirit of the dead person is believed actually to enter into him; he is considered to be the reincarnation of that ancestor. Thus, the new name given to an adolescent, ritually confers a new personality, a new identity upon him.

The name is, itself, believed to be *the* person. Thus, names are often held secret, lest they be used in harmful magic. The same belief obtained among the ancient Egyptians (Ref. 6) and, it is interesting to note that orthodox Jews, when a child is gravely ill, change his name in the belief that by this means he is reborn without the sickness and will have a new chance for survival.

New identity does not mean that the individual has acquired a new personality. New knowledge, of course, is acquired during initiation ceremonies, but the symbolic new life, or new identity has significance on a deeper level. On wearing the mask, the initiate undergoes a process of transfiguration, a loss of his own identity. This is not concluded by the casting away of the mask. It is believed that during the ceremonial dance, the initiate becomes aspirit and goes into the world of the spirits. Thus his loss of identity as an adolescent, is accompanied by hyper-consciousness; a capacity for ecstatic states of mind, in which his intuitive faculties are enlarged; something which might be called an "extra-sensory perception" of the world. Component parts of this state of ecstasy are the dissolution of consciousness, and the liberation of impulses buried in the unconscious. In this stage the African is able to *see* visions, images, the spirits become *real* to him; all that, to our scientific minds, appear fantasy, becomes reality for him.

This ecstatic condition, known all over the world in

magico-religious ceremonies, is so much sought after, that in adulthood, intoxicants are used to provoke it. In other words, the limits of conscious perception are artificially extended, the faculties acquire a new sensitivity, and a new world of realities emerges. Those new realities are all within the psyche of the individual. Through this ecstatic process, he overcomes his own mental controls and penetrates deep into his psyche.

Thus, the adolescent, at a period of great receptivity, is trained during the initiation ceremony to experience a supernormal visionary capacity. This will predispose him, for his adult life, to live under the influences of spirits. Hereafter he will be guided by benevolent and malevolent spirits who will appear real to him, because he has acquired the faculty to see, to feel, to realize forces beyond physical reality.

For the initiated adolescent, new identity also means that he is no longer a member of his family, but has a new family, the tribe. Thus further association with the family, source of many of his early inhibitions, which might handicap him in future acts, is symbolically removed. The protection he has previously received from it he now obtains from the new, anonymous family, to which no old associations are attached.

Above all, the former family meant *mother*. Through the new identity, the attachment to the mother, the "silver cord", is cut. The importance of this can be understood by the fact that recent psychological discoveries have made us aware that this attachment is the cause of many emotional conflicts.

At the same time, the *father*, another object of the child's ambivalent feelings, is also symbolically removed. Taking his place as the pattern of sexual maturity, is the anonymous-all-father, the elders of the secret society, and his new teachers. Because the new knowledge is taught by holy men, it rates as a ceremonial consecration. This means, further, that

from a form of play, the sexual function has been advanced to a social status.

The anonymous quality of the Ideal Father is further emphasized by the practise, in many secret societies, of the officials wearing masks. Thus, it is not somebody whom the boy may next meet in the village, but the spirit, residing in the mask, that speaks to him. The authority of tribal truth is enhanced through this impersonality, which strengthens the belief that it is the spirit which instructs the youth.

The severance of the relationship with the father is more dramatic in the matriarchal society, when the initiate actually leaves his own family to live with his mother's brother. Here the father substitute is not the anonymous-father of elders of the secret society, but another protective male figure, the uncle, towards whom, similarly, no infantile hostility exists.

Considering the many cases in our society of intensified father-son conflicts as puberty approaches, we can appreciate the deep insight shown in this initiation ceremonial by "uncivilized" Africans.

Among the Bapende (Belgian Congo) the new identity is further emphasized by the small ivory mask received by the initiate after the initiation ceremony. He wears it on his body, suspended on a string as badge of adulthood. In Africa, as in other cultures, including our own, sexual potency undergoes many emotional influences. Virility may fluctuate, may be affected by anxieties. Since an amulet, by its very nature, assists a wish, so this small mask becomes an object into which the wish for sexual potency is discharged, resulting in a catharsis, a calming effect. It becomes the continuation of, as well as the confirmation, of a new state: adulthood.

Thus, through the African's animist belief, a small carved mask becomes the focus of power. It fulfills a deep psychological need and helps to stabilize his life.

II. CIRCUMCISION

One of the most dramatic acts in the initiation ceremony

is the circumcision ritual. Among us, its survival, as surgery soon after birth, has no emotional significance to the child; and its ritualistic aspect where it is still performed ritually, affects only his family.

In Africa, circumcision is performed however at the age of eight, ten or twelve, and for both sexes. It is a painful experience, surrounded by a multiplicity of mysterious, dramatic ceremonies.

Circumcision, itself, is probably one of the oldest of human ceremonials. Egyptian mummies show the practise of this rite. Ancient sculptures indicate it. Herodotus mentions it. Freud (Ref. 7) postulates that Moses was an Egyptian and introduced the rite among the Jews as a symbolic demonstration of their equality with their Egyptian masters. It was taken over by the Mohammedans and most of the African Negro tribes. The Bantus of Central Africa appear to have borrowed the practice from Egypt without any Arab intermediaries (Ref. 8).

Circumcision imparts a feeling of cleanliness which, in turn, gives rise to superiority feelings over the "unclean" uncircumcised people, a feeling associated with tribal exclusiveness of which we shall speak later.

It is interesting to recall what the Bible says about circumcision. In Genesis XVII. 10, 11, 14, we read that God commanded Abraham to circumcise all male children as "a token of His covenant" with Abraham. The punishment for failure was: "And the uncircumcised man-child, whose flesh of his foreskin is not circumcised, that soul shall be cut off from his people. . ."

The God-Abraham relationship can be taken as a symbolic father-son situation, in which the father exacts a dramatic submission, cutting of the son's flesh and shedding of his blood. The word "token" clearly places it as a symbolic act. It has no other aim than sacrifice and submission to the father.

The question rises: Why ask for submission, and a token, why the connection with the shedding of blood and

why the generative organ? Submission is demanded when a revolt is overcome. Is it not then, the primordial filial revolt which is being chastized?

The shedding of blood clearly indicates that it is a sacrifice, with the blood symbolizing the sacrifice. Sacrifice is universally associated with human or animal slaughter. Hence it is possible that part of the flesh, and especially that of the generative organ, constitutes a symbolic substitute for the human sacrifice. In early human history, the ritualistic bloody defloration of virgins was considered a sacrifice. The hyman was pierced to provide a blood offering to the divinity (Ref. 9). The substitution of token human flesh and blood, for a human life, resembles the substitution of an animal for a human being. This is again illustrated in the Bible (Genesis XXII.2.6.13) when God, having found Abraham, ready to sacrifice his own son to Him, permitted the substitution of a Ram.

As we can see, submission of son to father was basic in these Biblical symbols. First, the circumcision, then the sacrifice of the son; both to prove to God Abraham's allegiance or submission. As the demand was repeated in a more drastic manner (the sacrifice of the beloved son) it would appear that the revolt against the father persisted after the circumcision. What is further illuminating, here, is that a new father-son situation had developed — that of Abraham and his son Isaac. Abraham demanded the submission of his own son, to the extent of acknowledging the father's right to kill him, but rationalizing it as the command of God.

This is all the more significant in the light of Freud's comment on circumcision in regard to the father-son relationship: (Ref. 7 pg. 192) Circumcision is a "symbolic substitute of castration, a punishment which the primeval father dealt his sons long ago out of the fulness of his power, and whoever accepted this symbol, showed by doing so that he was ready to submit to the father's will, although it was at the cost of a painful sacrifice." This statement explains why

the male organ was the subject of this sacrificial act and not any other part of the body.

These explanations of the origin and significance of circumcision become especially interesting, applied to African rituals. In the Jewish and Islamic religions, where circumcision occurs eight days after birth, there is no traceable emotional effect of the surgery, on the circumcised. But the African boy's experience of the "painful sacrifice" at puberty gives it great significance in the father-son relationship. The elders of the secret society represent the image of father. The act of circumcision thus would signify a "submission" to the power of the all-fathers, who are also the Law. Submission thus evokes a feeling of participation; the initiate becomes a member of a conservative society, dedicated to maintaining tradition.

Frazer (Ref. 12) considers circumcision a simulation of death and resurrection, an exchange of life or soul between man and totem. He observes that, in New Guinea, where a mythical monster is believed to swallow and disgorge the initiate, the incision on the genital organ signifies the monster's bite or scratch. We have noted a similar idea of being swallowed and disgorged among the Mendi in Sierra Leone. If we replace the totem concept, which is not as dogmatic in Africa as in the South Seas or Australia, with the idea of a *protective* mythological animal, which occurs in many of the African mythologies, we see again the protective concept that is the core of the procedure, and which, in turn, is associated with the idea of father.

Among the *Chambre* of Northern Nigeria, circumcision is "a rebirth and a consecration to the Gods." (Ref. 8) In Africa, the idea of God is limited to the cosmological concept of creator of the universe. No rituals are performed to Him. What serves more intimately as "god" is the "ancestor spirit," which is the embodiment of protective power. In this connection, the concept of sacrifice and submission to the spirit of the father comes out clearly.

The Nandi believe (Ref. 8) that circumcision brings

spiritual immortality. Immortality among Africans means that the spirit of the deceased returns to the earth and lives in the ancestor statue provided for it. Thus, the initiate achieves immortality by his "painful sacrifice", earning the right to return to earth after death.

How wide prevalence of circumcision in Africa is, is indicated by the fact that even the Walese Abfunkotou, who have intermarried with the Pygmies (Ref. 10) and are at a low level of material culture, also observe this rite, at five year intervals.

Were we to ask an African adolescent what he felt at the initiation, his answer might be "pain and pride". He would not know the entire significance of the event but he would understand that it brought him benefits. He would have the feeling of having done what was expected of him, of having met the test. He would have gained security by his adherence to the tribal customs. This would further bear out our contention that submission to law is associated with the original submission to father.

Another ordeal, which tests the adolescent's mental control, is the prolonged silence which he must maintain although surrounded by other boys who are talking, laughing or singing.

The pain of the operation is magnified by other trials, such as flagellation, heat, cold and water ordeals, and the apparition, during the night, of frightening masked figures. (Ref. 11) Scarification, which consists of slitting or puncturing the skin, using charcoal powder or vegetable juices to prevent flat healing of the wound, so that the skin is raised in relief patterns, is also performed during the initiation.

This latter procedure has another effect. The scarification marks on men, mostly on the face or temples, are tribal marks, setting him aside from other tribes. This marking is part of an exalted belief in the exclusiveness of his tribe.

The initiate must endure all these ordeals without any show of pain. Such endurance, in one aspect, signifies courage to face future pain and peril. It becomes so much a

part of the adult's mental make-up that, when a native medicine man performs an operation without anesthetics, such as extracting an arrow from a man's leg, no pain is shown.

Submission to pain has further and deeper meaning for the African. We have dwelt already on that aspect of the rite symbolizing the son's submission to the father and on its rebirth aspect. The manifold, pain-inflicting rituals might then form an added link in this chain of psychological experiences, as *expiation* and *purification* of guilt. The initiate undergoes these ordeals willingly though he knows boys sometime die in the bush from infection. The circumcision represents for him his first mortal danger. His psychological attitude must thus be colored with desire for *self-punishment* and even *self-annihilation*, probably all on an unconscious level.

On the conscious level, where spiritual attitudes are also present, the following has to be considered: The African has a complex feeling of being a part of the cosmos; the sun having male, the moon female attributes. He has a "personalized" concept of the cosmic natural forces (Genii). For him, the idea of fecundity is inseparable from all creation and is one of the great forces of Nature. In the exclusively male circumcision ceremony (the initiate avoids all females, including his mother) he feels himself becoming part of the Great Order of Nature, his procreative role exalted in a cosmic mysticism, continuing the creation begun by the first, most sacred ancestor, participating in Nature's unbroken chain of generative force and in that of his own tribe.

His being a part of the great order of nature, is demonstrated by the fact that animals are considered to have souls, to be his equals, sometimes his superiors. He often wears a mask to become the animal and acquire its faculties. Even the division between inanimate and animate is alien to him; a stone or a statue has life and an indwelling soul. Reality is the outer appearance or shell of a force, of a spirit. Every-

thing in Nature has unity, all have spiritual force, of which the African feels himself an integral part.

Fecundity is the woman's marital obligation. If she is sterile, the man can send her home and demand return of his purchase price. Thus, marriage is not sexual partnership, as so often in our society, but a procreating partnership. Begetting children is its major role. For the African man, then, his male role is closely associated with the creation of a new life, and, as such, is subject to mystic concepts.

It will help us to understand this if we place ourselves, as far as possible, into the mental make up of the African and compare our procedure into adulthood with him.

The African enters puberty free of the inhibitions toward the sexual act which are imposed upon the Western adolescent. The inhibited Western attitude leads to hidden preoccupation with the sexual act, fulfillment of which is often a source of trouble for everybody but particularly for the adolescent, where social and religious taboos do not make it completely impossible for him. The Western adolescent thus begins his active sexual life in anxiety. Every move costs an effort to overcome his own inhibitions and to find and then to persuade a usually inhibited mate into a non-marital relationship.

For the African youth, on the contrary, sexual intercourse is as free as breathing. His mind therefore, is free to ascend into spiritual concepts, connected with procreation and fecundity. His education, his observations in the close family circle, having predisposed him to accept the "spiritual" quality of every phase of life, it is natural for him to make a connection between his sexual drive and supernatural forces, especially when revealed to him under the dramatic conditions of the initiation ritual.

His submissive role in the secret society and his family is for the good of his tribe. His training in tribal customs makes it natural for him. The new phase of his life, in the group, consecration among its mature males, appears to him a phase of destiny in which he will be able to express his

will and his potency upon nature, by creating a new life. In the light of his cosmic mysticism, his procreative act represents a simultaneous "intimate union" with the forces of Nature.

In this faculty for exalted imagery, so characteristic of the great non-materialistic culture of Africa, we can understand the role the African youth sees opening to him in his own world, and the meaning for him of the initiation ceremony.

Through these speculations, which have not attempted to follow the developmental sequence of the initiation ceremony, we have sought to show the interacting psychological effects, their great complexity, and the hold the ceremonial takes over the initiate.

We do not believe the psychological implications we have pointed out, to be our own discoveries. On the contrary, we believe that the ceremonies could not have been invented without such knowledge, probably intuitive, on the part of those who originated the rituals, and who thereby showed deep insight into the instincts and drives which motivate the human behavior. Similar understanding underlies other tribal regulations.

What further distinguishes all phases of the initiation ceremony, and again demonstrates the insight of the tribal founders, is that these basic psychological drives are *channeled*. The role of the secret society is an institution where innate impulses are "organized" has psychological advantages for the initiates. The ritual enables them to express, to act out, under the mask, their most hidden impulses. At the same time, the rituals fix the restrictions or taboos. These restricted impulses, however, are guided into traditionally accepted tribal customs. They are saved from becoming repressed desires because, in the first phase of the initiation, the free expression of those impulses — he has *faced* them, has lived them out freely; and in the second sequence, he has transformed them in the traditional manner, into customs, sanctified by his own society. The fact that the initiated

underwent these psychological processes *communally* gives these processes the power of integrated social forms.

By the purification it affords, the initiation ceremony provides absolution for the expression of these tabooed basic instincts, which, at the end of the ceremony, will be led into a social sublimation. This is social sanctification for individual drives; the ritual being communal, the initiate does not feel isolated with his problems, as in our society; he feels that his emotional experiences are shared. The sanctified traditional character of the rituals, the sense of their continuity with the past, and the future, saves the adolescent from the tragic loneliness he so frequently feels in other societies. The African initiate emerges from the rituals with the sense of a clear conscience and a new liberated identity.

The African, of course, does not feel all this, in these intellectual terms. What he feels is the security of being a member of a valued social group and adhering to its traditions.

The "revolt" against father, family and society, source of so much emotional tension in other cultures, is sublimated in established ways. Here the African is helped by his conservatism. His tribal regulations and religious beliefs (or the inhibitions caused by regulations and the emotional experiences that underlie his religious faith) are strongly *interlinked*. He experiences his admission into society on an exalted *emotional level* and the power of the experience is so great as to somewhat numb his critical faculties.

The importance of tribal customs can be observed also in their results, among them one of the great arts of history. When European civilization finally began to take effect upon the native institutions, the society fell apart, the individual became rootless, and a magnificent art perished. (Ref. 13)

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As we have already noted, the pain suffered in the initiation ceremonies makes it a *dramatic* event. At the time when,

as an adolescent, he is most impressionable, the initiate is an actor in a drama that becomes the most memorable event of his life. Its scars will be carried throughout life on his body. The focus on circumcision (on the genitals) dramatizes procreation, the begetting of new life, the survival of his tribe. (Hygienic effects of circumcision were incidental, not the aim of this operation. That circumcision has medical significance is demonstrated by the statistics in India, which show a greater incidence of cancer of the penis among the uncircumcised Hindus than among the circumcised Mohammedans.)

Another psychological effect of the path sustained during the initiation ceremony, is that the resulting tension makes learning, at this time, particularly keen and deep.

III. INSTRUCTIONS:

The initiation ceremony is, among other things, an intensive educational course in the history and institutions of the tribe. This is not written history but an oral mythology, transmitted with an amazing faculty of memory, from generation to generation.

Myths and their psychological significance have been the subject of extensive studies (Ref. 14). Here we wish to point out only the factors relating to the initiation ceremonies.

Myths record the glorious tribal past; the deeds, often connected with supernatural forces and animals, of the founding fathers; and inculcate the idea into the African that the human race (seen as an extension of the tribe) owes its existence to his tribal ancestor.

This feeling finds frequent expression in tribal names. The word Bantu, itself, (a stock of people of about 50 millions, speaking some 250 different dialects—(Ref. 15) means "the men" or the "people", *ntu* meaning "a man" and *ba* a prefix signifying the plural. The *Warega* means "all the people" or "humanity"; *Babali* means "we, the people"; *Bayaka* "the males" or "manly people"; (Ref. 16) or

Hottentot "the complete people"; *Zulu*, "the people", (Ref. 17).

Thus tribal mythology gives the African an exalted opinion of himself. As Huxley points out (Ref. 18), it evokes a concept of distinctiveness, which almost always rationalizes into superiority feelings. The early Jews had it as well as the Greeks who dismissed all non-Greek people as *barbarians*.

As already indicated, circumcision, itself, induced a feeling of cleanliness and exclusiveness which rendered the circumcized superior to others.

This pride in being a member of his own tribe (and we must reiterate that all this was impressed upon the initiate during a period when his impressionable adolescent nervous system was in a receptive state of stress and pain) had manifold effects.

The initiate felt that, by following tribal laws, he would be spared agonizing personal decisions. He had no need to revolt against accepted customs, which had been established by sacred ancestors, and had sacred and infallible meaning. He felt part of a community in direct contact with supernatural forces. As a member, he, too, could enter into the world of spirits. This was emphasized by the secret language used only by members of the secret society. This desire to "belong" in a group that can protect, to be among the "elect" who enjoy honor, is so deep a human drive, that civilized society has preserved organizations which also impose secrecy and practice initiation ceremonies with symbolic objects. Substitute for "to belong" or "to be among the elect", "to be loved" or "to be approved" and the son-father or son-mother relationship returns clearly to the foreground.

This group psychology and this traditionalism, fostered by the secret societies, was an aid to the African artist. He accepted *a priori*, the tribal art tradition. Within this framework of tribal art style, he was able to concentrate his energies for the expression of his animistic emotions. We do

not know who invented, in the different tribes, the original tribal art-styles, which were repeated with undiminished power, for centuries, but they must have been creative geniuses. The talent they showed in creating an art style equalled the insight the tribe-founders showed in originating the tribal institutions. This traditionalism permits us to recognize one style region from the other (Ref. 21). Despite the traditional style, individual inventiveness had a free range. The Bakuba cups (Ref. 19) and the Bakota funerary figures (Ref. 20) followed established prototypes. Yet close examination reveals an amazing inventive range. In such a limited subject as a cup or goblet, more than twenty-five models can be discerned.

This creative range was the result, probably, of the African's innate talent for carving; and the discipline that followed from his respect for traditional forms. Andre Gide's observation that "art is selection and discipline" is confirmed in the art of the African. Only such discipline permits expression of a deep emotional experience (Ref. 21).

We referred to the use of the initiation ceremony to teach the *laws* of the tribe to the adolescent. This dramatic occasion was well chosen to impress the initiate with the canonic force of the law. But the impersonal aspect and the survival of the law were further protected. Officials of the Poro Society, for instance, had custody of all masks (Ref. 2). The mask, the abode of the spirit, not any individual, made the law. The death of an official was kept secret. Another member immediately assumed the mask and the law functioned without interruption. (To some the wig of the English judge may appear to have a similar, symbolic purpose, adding a ritualistic impersonality to his office. It seems to us that the masked lawmaker achieved this effect in the most efficient manner, enhancing the august anonymity with the quality of the sacred.)

The teachings of the secret society included other subjects, *dances, collective work, ethical precepts such respect*

for the aged, etc.

The ritual *dance*, especially with mask, had an important place in the African community. Every step, every movement was known, and had to be repeated at each performance. Each dance had a goal — ecstatic communion with the world of spirits. Here again traditionalism had its significant part. It was believed that with any change in the steps, the dance would lose its effectiveness, would fail of its goal. (Ref. 29)

We must recall, at this point, the significance of ecstatic communion with the spirits. Masks have been used everywhere, from prehistoric times (engravings of the ice-age cave paintings) to the present (Tyrol, Switzerland, Mexico, etc.) as an instrument to change personality. The mask helps the dancer to become someone else or, by relaxing his inhibitions, to become himself. Masks have been universally used to achieve transfiguration. From this we may conclude that suspension or loss of one's identity, at times, is a basic human need. That is, the social controls, imposed by family and State and ranging from inhibitions to laws, set up a counter sequence of ways to express the repressed, to live them out.

Thus the use of masks in the African society was not an isolated phenomenon. This was a universal "tool" to achieve ecstasy, to escape from reality, to escape from oneself.

Now let us return to the African ritualistic dance. Let us consider the fact that each step had to be the traditional one for the dance to be effective.

This helps to explain why the African sculptor adheres so rigidly to his tribal style. Each statue or mask is an object of use. The first ancestor's carvings had been made according to a certain ritual and discipline. These had achieved their purpose. A change from the pattern then established might prevent the statue from "working", affect its power to fulfill its purpose.

Thus, dance masks were carved according to tribal tra-

dition so that they would become the abode of the spirit. The wearing of the mask involved a complexity of functions. The dancer, during the initiation ceremonies, lost his identity, in order both to become adult and to live out his innate impulses. At the same time the mask not only represented his adolescent life but was the spirit itself; therefore he became the spirit, and entered into direct communion with the world of spirits.

In certain cases, masks were not used, but the same aim was achieved, by rubbing the face and body with a white powder (Mpembe). Thus by changing their color, they changed their personality. In certain tribes, white is the color of the spirit (often called ghost). Since the spirit, appearing among the living only at night, must be white to be seen. (Ref. 22). Daubing the skin white therefore effects the same change as the mask; the dancer changes his personality, becomes the spirit and comes in direct communication with the world of the spirits.

Symbols of loss of identity recur among the other rituals during the initiation ceremony, which aims at purification, new birth, new identity and a clean slate for a new life — that of an adult.

Instruction in *respect for the aged* is given special stress during the initiation ceremony. It is an institutional device to overcome the instinctual revolt against the father, and connected with the emotional complex of the father-son relationship. The universal character of this instinctual drive to remove the father is shown by the Bible exhortations (Exodus XX 12) to "Honour thy father and thy mother that thy days may be long," etc. This seemingly had to be reiterated in still stronger terms in Deuteronomy (Chapter V. 16) and with the promise of material rewards, "Honour thy father and thy mother, as the Lord thy God hath commanded thee; that thy days may be prolonged, and that it may go well with thee," etc. The words in italics are those added to the new version. In some translations "it may go well" is rendered as "prosper".

(It should be noted that aged Africans, though they are aware of the consideration they can command through the respect for them inculcated at the initiation ceremonies, when they become senile and feel that they are a burden on their family, ask to be left in the forest to be killed by wild animals. Among the Eskimos, similarly, the senile are put outside the hut, to be frozen to death.)

Instituting such instruction at the impressionable period when the youth is ritually admitted into the group, is further evidence of the great insight into the basic human drives shown by the founders of the African culture.

Respect for the aged, for the father and for the dead, developed into a vast institution called the *ancestor cult* which engrossed the whole adult life of the individual. This powerful, all embracing cult gave birth to an amazing richness of sculptures in wood, ivory and bronze. (Ref. 21).

Collective work was another powerful social institution. Aside from the immediate material advantages such as the saving in time and labor when twenty men, instead of one, built a house, it gave an added feeling of security to each individual. He knew that should sickness or an accident befall him, the members of his secret society would stand by; if he travelled he could find welcome in the home of a member society, or of an affiliated society.

From such institutions which satisfied basic human instincts and drives, more symbolic and more highly developed rituals were evolved. In the Bakhimba secret society (Ref. 23) in the Mayombe region of the Belgian Congo, the concluding initiation rite was submersion under water, by which, it was believed, the past was washed away. This rite again stressed purification and the achievement of a new life, a new identity. This type of initiation (baptism) appears in the Bible; and many religious sects perform the ceremony today, although its original meaning is often forgotten. The Bakhimba society initiation rites also included the eating of a morsel of sacred food by the initiate to acquire part of its Nyama (or Vital Energy) when a new name is given to him.

By eating the sacred food, containing the energy of the spirits, the initiate achieves communion with the world of the spirits. Here, too, an African rite parallels Christian practice; for, in essence, it is the same as the institution of the Host in the Catholic Church.

The initiation ceremonies survived among the African for many reasons. They satisfied basic human drives; they cemented a social order with blood and pain; they rested on sacred, ancient customs, which went unquestioned. Last, but not least, the rare male who evaded circumcision would find himself an outcast who could have little hope of finding a wife. Where female circumcision is practised the woman who evaded it found herself in the same plight. Social pressures thus reinforced the validity of the sacred act.

IV. WOMEN'S SECRET SOCIETIES

The women's societies teach the girls how to become good wives and mothers; thus, their main emphasis is adjustment to the male. Exception must be made, however, where the society is matriarchal. There the instruction given by the women's secret societies is more varied and prepares the initiate for wider social functions. (Ref. 5)

It is interesting that circumcision is also part of the initiation ritual in the women's secret societies. If our analysis is correct, that the ceremony symbolizes submission, sacrifice and purification, its occurrence in the women's societies would indicate what basic psychological realities are reflected in the initiation rites. (It is possible to say that the institution of confession is probably a pale survival of the purification aspect of similar older rituals.)

As with other rituals, the circumcision of the girls has lost its original meaning. Rationalized explanations are now offered. Thus imfibulation (sewing up) is explained as a measure to prevent premature or illicit intercourse; defibulation (cutting open) as proof to the husband of the girl's virginity. The imfibulation consist of cutting away part of the clitoris and scarifying the labia minora; defibulation

is a short incision to separate the fused labia minora. (Ref. 24). In most cases circumcision is performed when the girl approaches puberty. Hills (Ref. 25) reports "pharaonic" circumcisions, performed at the ages of four to ten, by which the vaginal orifice is constricted, necessitating cutting away scar tissues at childbirth. Where the custom prevails the circumcision is a prerequisite for marriage. The Arabic "Sunna" form, is a milder operation, aiming at the same effect. In some tribes (Ref. 26) it is believed that an uncircumcised girl will be sterile. Among the Kissi, in French Guinea, (Ref. 27) this operation gives the girls a feeling of importance in their role as women.

Female circumcision is performed in most Arabic countries, also among the African Negroes, Abyssinia, Malanesia, Indonesia, (Ref. 25) the East Indies, South America, (Ref. 24) etc.

Female circumcision with its bloodshed, its cutting of flesh may be a survival of a much older ritual than circumcision. The operation is generally performed by members of the secret society, whose activities are considered sacred (sanctified by the precedents of sacred myth). This ritual might be the survival of an ancient ceremonial defloration.

We have already noted the sacrificial aspect of the circumcision of women. We may further add that the ancient ritual of the defloration of virgins was performed by a qualified sacred person who, by breaking the hymen, accepted the flow of blood as a sacrifice to the divinity. The deflorator himself represented the divinity, or was believed to be the divinity in person, or the divine power. He, in turn, communicated to the women, the superior, divine energy (Ref. 9).

The deflorator often wore an animal skin or head (later a mask) in which case he *became* the sacred animal (totem) and thus established a mystic union between the protective totem and human being. This custom would bear out the ancient Egyptian belief, adopted by many African mythologies (especially among the Yoruba) that animals are

incarnations of "gods" or spirits, returned to earth to protect men. This custom dramatizes the totemistic concept that totem members derive their origin from an animal. Since the man in the animal disguise is considered to be the animal, the offspring of this ritualistic union is, logically, the child of the totem animal.

The deflorators were sacred beings, kings representing divinity and possessors of divine power. Later they were the priests. Even today priests are almost universally called "father" and are considered representatives of divine powers. —further, that the king himself was the greatest protective-father of his community,—the sacred defloration might have been an expression of the father's attachment and desire for his daughter and its symbolic consummation, cloaked in a sacred ritual.

One of the strongest and most universal taboos is incest. This was promulgated and enforced to repress an innate human impulse and protect the species. (Ref. 28)

It is not the actual father who performs the sacred defloration; thus, consummation of incestuous desire is not indicated. The symbol of the father, the protective force has replaced the family father. The act may therefore be constructed as a fantasy "living out" of an innate drive, replacing the actual, but repressed, impulse.

The initiation ceremony is thus the cornerstone of the African social and cultural world. This institution satisfies aspiration, fulfills desires repressed into the deepest stratum of the unconscious; establishes law; and creates such a well integrated social order, such a deeply felt religious ideology, that from its communal acceptance a powerful art was able to emerge, an art — the products of which, at their best, are equal to any masterpiece of art in the history of art.

REFERENCES

References are indicated only when specific information was used so that the reader may get more ample data on the subject. On general African customs, use of art objects, references have not been indicated as they have been listed in the author's book, "African Sculpture Speaks (Ref. 21).

1. SEGY, LADISLAS: *The Term Negro Art is Essentially a Non-African Concept.* Negro: ed. Nancy Cunard, London, 1934.
2. HARLEY, GEORGE W: *Notes on the Poro in Liberia,* Cambridge, Mass., 1941
3. DELHAISE, COM.: *Les Warega,* Bruxelles, 1909.
4. SEGY, LADISLAS: *African Sculptures and Animism.* Psyché, Paris, Spring, 1953
5. HALL, H. U.: *The Sherbro of Sierra Leone.* Philadelphia, 1938.
6. DANZEL, TH.W.: *Magie et Science Secret.* Paris, 1947.
7. FREUD, SIGMUND: *Moses and Monotheism.* New York, 1947.
8. JEFFREYS, M.D.W.: *Circumcision; Its Diffusion from Egypt Among the Bantu.* Criteria. I. March 1949.
9. GORDON, PIERRE: *Initiation Sexuelle et Evolution Religieuse.* Paris, 1946.
10. JOSET, PAUL E.: *Notes Ethnographiques Sur La Sous-Tribu des Walese-Abfunkotto.* Bull. Jurid. Indigenes et du Droit Coutumier Congolais, Elisabethville. Jan-Juin, 1949.
11. TUCKER, JOHN T: *Initiation Ceremonies for Luimbi Boys.,* Africa, Jan. 1949.
12. FRAZER, JAMES G.: *The Golden Bough,* New York, 1926.
13. SEGY, LADISLAS: *Future of African Art,* Midwest Journal, Lincoln University, Jefferson City, Mo. Summer, 1952.
14. CAMPBELL, JOSEPH: *The Hero with a Thousand Faces,* New York, 1949.
15. PEDRALS, D. P. de: *Manuel Scientifique de l'Afrique Noire,* Paris, 1949.
16. MAES, J. et BONNE, O.: *Les Peuplades du Congo Belge,* Bruxelles, 1935.

17. ROSS, EMERY: *African Heritage*, New York, 1952.
18. HUXLEY, JULIAN: *New Bottles for New Wine: Ideology and Scientific Knowledge*. The Journal of the Royal Anthropological Institute. Vol. LXXX. Part. 1.II., 1950.
19. SEGY, LADISLAS: *Bakuba Cups*. Midwest Journal, Lincoln University, Jefferson City, Mo. Vol. 4, No. 1, Winter, 1951-52.
20. SEGY, LADISLAS: *Bakota Funerary Figures*. Zaire, University of Louvain, Belgium, Vol. VI. No. 5, May 1952.
21. SEGY, LADISLAS: *African Sculpture -Speaks*, New York, 1952. A. A. Wyn Inc., publisher.
22. HALL, H. U.: *Two Masks from French Equatorial Africa*. University of Pennsylvania, Philadelphia, Dec. 1947.
23. BITTREMIEUX, LEO: *La Societe Secret des Bakhimba au Mayombe*. Bruxelles, 1936.
24. LAYCOCK, H. T.: *Surgical Aspects of Female Circumcision in Somaliland*. East African Medical Journal, Nov. 1950.
25. HILLS, YOUNG E.: *Female Circumcision in the Sudan*. Anti-Slavery Reporter and Aborigine's Friend, London, April 1949.
26. LAYDEVANT, P.: *Childhood Among the Basuto*. Annali Lateranensi, Rome, Dec. 1948.
27. PAULME, DENISE: *L'Excision en Pays Kissi*. Comptes Rendues Sommaires des Science de l'Institut Francaise D'Ethnographie, Paris, Jan. 1947.
28. MALINOWSKI, BRONISLAW: *Sex and Repression in Savage Society*. New York, 1951.
29. SEGY, LADISLAS: *The Mask in African Dance*, The Negro History Bulletin, Washington, D. C., Febr. 1953.

True Feelings and "Tear-Jerkers" in Literary Work

by

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What is the differential diagnosis between true and false sentiment in fiction? My examination of this question was prompted by an amusing incident with two friends. One of these is a previous patient (a first class writer cured of writer's block) who after analysis became my friend; the other is his literary agent who also happened to be a friend of mine. The author forwarded a new story to his agent, and, because he knew I would be interested in the subject matter, mailed the carbon to me. The story made a deep impression, so deep in fact that I wrote both the author and the agent to this effect. My letter to the agent crossed one from him, which contained *his* impression of the story: "X just delivered a very successful story. . . It is a conventional tear-jerker."

The author's opinion of his work and my own were obviously diametrically opposed to that of a highly professional and experienced agent. Two questions now presented themselves: how two such diametrically opposed opinions could be possible; and whether or not some yardstick did exist which would explain such discrepancies.

True feelings in fiction denote a double set of facts:

1. That the author feels deeply while creating a specific set of fictional characters:

" . . . And as imagination bodies forth
The form of things unknown, the poet's pen
Turns them to shapes, and gives to airy nothing
A local habitation and a name."

("A Midsummer Night's Dream" V, I, 7)

2. That the reader feels these feelings transmitted via temporary identification with the fictional characters.

As far as the reader is concerned he feels, if at all, with this or that fictionalized person in a story or a book; the author is immaterial and forgotten (that the author has specific reasons of his own for his creation is a different story expounded at length in my book, *THE WRITER AND PSYCHOANALYSIS*.) True feelings can be evoked by a work of fiction only if the basis for these feelings is present in the reader. It is the peculiar ability and the job of the writer to evoke these *hidden, unconscious, and individual feelings*. If the writer can do this he is a real artist and not just a typewriter operator; if he cannot, all the tricks of the trade, including stylistic brilliance of presentation, will not make him a creative writer.

The term "tear-jerker" is always used disparagingly; it invariably refers to the "cheap" trick of playing artificially on the *prefabricated conscious feelings* present in everyone. This trick is a *conscious* speculation on *conscious set patterns*, officially approved, commendable, and banal. A pertinent example is the portrayal on the movie screen of a baby, the "shooting" of the baby from every angle when neither plot nor action calls for more than just a single shot. In this manner the prefabricated love the audience bears for children is exploited by the director. If the baby is mistreated, those spectators caught up in the movie make-believe will cry; and those even more deeply immersed will cry out (sometime aloud) for punishment. The cheers for the hero and the hisses for the villain heard during the show-

ing of "Westerns" do not all come from children.

Our differential diagnosis on the difference in evoking true feelings and fake feelings in fiction, therefore reads thus:

True feelings pertain to repressed unconscious patterns in the reader; the reason is unknown to him, and is secondarily rationalized.

Fake feelings in fiction pertain to conscious and pre-fabricated patterns; no rationalization is needed.

However, the difference between true and false feelings in the reader goes deeper. Both feelings have different *unconscious* reasons for being put in operation by the reader. To anticipate: *fake feelings serve the purpose of attesting to oneself what a "nice guy" one really is, thus prematurely and preventively expiating guilt (either real or compensatory) connected with aggression. True feelings represent an inner defense against repressed psychic masochistic fears, which are warded off with pity for the fictionalized person.*

To clarify the point, I am adducing the short story mentioned above. Here is an approximation of its contents: An orphan, a boy of seven or eight, who during vacation time at the orphanage goes to live with an elderly woman whom he likes and admires. While working, he overhears a casual discussion by two men. One claims the woman simply exploits the boy for work in her store; the other gives her credit for better motives since she is lonely, having lost her husband and then her son in war. The "provocative agent" of these chance remarks sets up in the boy the whole Pandora box of masochistic "injustice collecting" and corresponding fantastic fears. In masterly fashion a series of dramatic episodes playing on this theme are depicted: The child accuses the woman of having "stolen" his money (earned selling bait). The woman then shows him a bank book registered in his name containing every penny. It is apparent to the reader that the woman really loves the boy and wishes to adopt him (a love substitute for her dead son).

The boy, however, is not convinced: he sees in a harmless kitchen knife the proof that the woman wants to kill him; in a subsequent dream the benefactrix appears as a devouring monster. . . . Even when a present is given him (his deeply wished-for fishing outfit) he still believes that the "bad" woman will take it away, although she herself bought it for him.

This is an inept and shortened version of an unreproducible little masterpiece. The boy's fears are clearcut passive castration fears (knife), and oral fears of being devoured (dream). The boy's more superficial, though also unconscious, conflict is that of an "injustice collector": how quickly he takes up the chance accusation of the stranger, how he refuses to be convinced by the reality of the bank-book or the present.

The dramatic impact of the story hinges on unconscious identification with the poor orphan. Behind this the reader hides and wards off his own unconscious masochistic fears. *Everyone* has a goodly share of these. But in the story, through its constant use of the masochistic scale, the danger is so great that the *reader's identification appears only in the attenuated form of pity.*

There are people so afraid of their own inner masochism that they abhor *all* feelings. Hence, the classification of a story or novel as a "tear-jerker", even though real feelings are at stake. This disparagement is just a double sentinel guarding the inner masochistic dangers.*

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*The agent told me later that he was only reproducing the anticipated reactions of neurotic editors.

Writers and Ulcus

by

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In a letter addressed to me, our distinguished colleague, Dr. Angel Garma, analytic pioneer in Argentina, requested an answer to the following question: what is known about the incidence of ulcus of the stomach or duodenum in writers? Giving me credit for clinical experience with writers, he wanted to know both the clinical and historical aspects, and if possible examples pertaining to writers of the past.

I had to admit that I had never considered this aspect of writers. I tried to remember a few well known writers suffering from the disease, but the result of my thinking was purely negative: Napoleon and a once famous French writer with a peculiar work tempo—every six to eight years this man published a novelette of about 80 pages, the last one 12 years ago. Recently, I heard that the man had been operated on for duodenal ulcer.

I discarded the example of Napoleon whom one could not exactly call a writer, although he did write in his early twenties a series of gruesome stories. 1) Then, a long series of advertising people, copywriters, journalists, and inhibited writers came to mind—all ulcus victims. *But why not successful, or at least productive writers?*

The story became even more puzzling when considering the high rate of alcoholics among productive writers and

1. See my essay on Napoleon in *Talleyrand-Napoleon-Stendhal-Grabbe*, Int. Psychoan. Verlag, 1935.

the huckster type of people on the fringe of the writing profession. And is not alcoholism alleged to be one of the predisposing factors of *ulcus*?

To make matters more confused, the majority of writers suffers from what they call "upset stomach", gagging, vomiting. (2) At this point, a theoretical consideration clarified, subjectively at least, the enigma. Psychologically, the future *ulcus* patient produces for years hyperacidity, the underlying *unconscious* reasoning being, as more or less agreed in our literature: "I want to get food, prepare the acid to digest it—but you, cruel mother, let me starve. Hence I must eat myself."

Compare this self-cannibalistic masochistic whimpering with the unconscious formula of the alcohol addict: "It is not true that I want to be masochistically *refused* by mother; on the contrary I want to be an autarch and *get*; therefore I drink as much as I want to." In later phases of inebriation, the alcoholic "poisons"—via unconscious identification—the image of the mother, filling her with damaging fluid. (3)

Comparing the *passive* masochistic submission and *pseudo aggressive* defense against the masochistic attachment, respectively in *ulcus* candidates and alcoholics, one suspects that, though both fight with liquid means, they fight differently. One "takes it" whimpering, the other puts up some pseudo fight. Both want *unconsciously to be masochistically refused* by the "cruel" mother of their distorted *fantasy*.

The *productive* writer puts up an even more energetic fight: in his work he denies his psychic masochistic attachment to the image of the pre-oedipal mother, by denying

2. "Further Contributions to the Ps.An. of Writers, I and II", *The Psychoan. Review*, 34:4, 1937, and 35:1, 1948.
3. For a compilation of literature and personal opinions see my papers: "Contributions to the Psychogenesis of Alcohol Addiction," *Quarterly Journal of Studies on Alcohol*, 5:434-449, 1944; "Personality Traits in Alcohol Addicts," *ibid.*, 7:356-359, 1946; summary in *The Basic Neurosis*, Ch. VI, Sec. 14, Grune and Stratton, 1949.

"autarchically" her mere existence. The formula of defense against Super Ego reproaches seems to be: "It is not true that I want to be refused and enjoy that refusal masochistically. Quite the opposite, mother does not even exist; I give myself out of myself beautiful words and ideas." Thus, using a peculiar "unification tendency" and acting upon himself a "magic gesture", the defendant is *temporarily* acquitted. (4)

Time and again the lactational precursor of poetry is doubted. (5) Not less "incredible" is the statement that the writer is unconsciously a chronic defendant accused before the High Tribunal of Conscience; the eternal indictment being: "You want to be masochistically *refused*." The most a writer can become aware of with respect to this overdose of masochism, is defensive pseudo aggression; hence, the writer is a chronic and vociferous rebel against mores, institutions, prejudices.

A possible objection is that there are writers who express their suffering very specifically. How, then, can conscious admission of suffering and unconscious wish to suffer be identical? Seemingly, no repression is involved.

The reasoning is fallacious: no writer in this world is conscious (and thus capable of admitting) of his psychic masochistic enjoyment. If one looks carefully at the contents of his work, one sees that suffering can be admitted only on the condition that the saving grace of shifting of guilt is adhered to: "I suffer because bad mother (or her successive representatives) refuses!" In other words, the

4. See my long series of studies on writers summarized in my book **The Writer and Psychoanalysis**, Doubleday, 1950.

5. I suggested to Dr. Arthur Wormhoudt, scholar of comparative literature who with great skill has applied some of my clinical findings on writers to literary criticism, a study of the equation: words-milk. The results are contained in his article "The Unconscious Identification Words-Milk", *The American Imago*, VI:1, 1949.

fiction is maintained: "Not I unconsciously enjoy suffering; I am the innocent victim!"

As a representative example, I quote a passage from Matthew Arnold's "The Sick King in Bokhara." The italics are my own.

. . . . Thou know'st how fierce
In these last days the sun hath burned:
That the green water in the tanks
Is to a putrid puddle turned:
And the canal, that from the stream
Of Samarcand is brought this way,
Wastes, and runs thinner every day.
Now I at nightfall had gone forth
Alone, and in a darksome place
Under some mulberry trees I found
A little pool; and in brief space
With all the water that was there
I filled my pitcher, and stole home
Unseen: and having drink to spare,
I hid the can behind the door,
And went up on the roof to sleep.
But in the night, which was with wind
And burning dust, again I creep
Down, having fever, for a drink.
Now meanwhile had my brethren found
The water-pitcher, where it stood
Behind the door upon the ground,
And called my mother: and they all,
As they were thirsty, and the night
Most sultry, drained the pitcher there;
That they sate with it, in my sight,
Their lips still wet, when I came down.
Now mark! I, being fevered, sick,
(Most unblessed also) at that sight
Brake forth, and cursed them—dost thou hear?
One was my mother—Now, do right!"
But my lord mused a space, and said:
"Send him away, Sirs, and make on.
It is some madman," the King said:
As the King said, so was it done.
The morrow at the self-same hour
In the King's path, behold, the man,

Not kneeling, sternly fixed: he stood
Right opposite, and thus began,
Frowning grim down:—"Thou wicked King,
Most deaf where thou shouldst most give ear!
What, must I howl in the next world,
Because thou wilt not listen here?
What, wilt thou pray, and get thee grace,
And all grace shall to me be grudged?
Nay but, I swear, from this thy path
I will not stir till I be judged."
Then they who stood about the King
Drew close together and conferred:
Till that the King stood forth and said,
"Before the priests thou shalt be heard."
But when the Ulemas were met
And the thing heard, they doubted not;
But sentenced him, as the law is.
To die by stoning on the spot.
Now the King charged us secretly:
"Stoned must he be, the law stands so:
Yet, if he seek to fly, give way:
Forbid him not, but let him go."
So saying, the King took a stone,
And cast it softly: **but the man**
With a great joy upon his face,
Kneeled down, and cried not, neither ran.
So they, whose lot it was, cast stones;
That they flew thick and bruised him sore:
But he praised Allah with loud voice,
And remained kneeling as before:
My lord had covered up his face:
But when one told him, "He is dead,"
Turning him quickly to go in,
"Bring thou to me his corpse," he said.

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Bring water, nard, and linen rolls.
Wash off all blood, set smooth each limb.
Then say: "He was not wholly vile,
Because a king shall bury him."

Here we have the problem in a nutshell: repressed masochistic wish to suffer, mirage of being unjustly treated and "taking the blame for the lesser crime": aggression. The wish to be refused and the wish to suffer are shifted: mother

(in conspiracy with siblings) takes away the water (milk); the punishment is meted out allegedly because of the aggressive "matricidal" cursing. In a round-about way, the masochistic wish is smuggled in: the culprit *begs* for execution!

To summarize: ulcer is in the writing profession (6) the curse of the *unproductive* writer, the penalty for his unproductive "oral solution." Literary productivity seems to represent a safeguard against that psychosomatic disease. (7)

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6. Nobody denies, of course, that ulcer is encountered in **all** walks of life and **all** professions. Oral neurosis is an universal problem. In this study, I concentrate exclusively, and in one-sided selection, on writers and pseudo writers.
 7. One has to take into account that little is known about the incidence of ulcer in past generations of writers. The picture is obscured by wrong diagnosis, frequent suicide, tabes, psychosis, etc. Sometimes "milk cures" are mentioned as prescribed (in connection with "bilious attacks", whatever that means) to various writers of the past. Strangely enough, they were needed only in **unproductive** periods. A typical example is Tennyson in his inhibited period between the publication of his early poems and the completion of **In Memoriam**.

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